City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Meeting Agenda - Final-revised

Tuesday, March 26, 2013

6:30 PM

Municipal Building Council Chambers

City Council

Mayor Cindy Rosenthal
Council Member Roger Gallagher
Council Member Tom Kovach
Council Member Robert Castleberry
Council Member Greg Jungman
Council Member Dave Spaulding
Council Member Jim Griffith
Council Member Linda Lockett
Council Member Chad Williams

1 **Roll Call**

2 **Pledge of Allegiance**

Minutes

3 GID-1213-64 APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL FINANCE COMMITTEE MINUTES OF FEBRUARY 20, 2013
CITY COUNCIL STUDY SESSION MINUTES OF FEBRUARY 26, 2013
CITY COUNCIL STUDY SESSION MINUTES OF MARCH 5, 2013
CITY COUNCIL SPECIAL SESSION MINUTES OF MARCH 5, 2013
CITY COUNCIL CONFERENCE MINUTES OF MARCH 12, 2013
CITY COUNCIL MINUTES OF MARCH 12, 2013
NORMAN UTILITIES AUTHORITY MINUTES OF MARCH 12, 2013
NORMAN MUNICIPAL AUTHORITY MINUTES OF MARCH 12, 2013
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF MARCH 12, 2013

Attachments: February 20 Finance Committee minutes
February 26 SS minutes
March 5 Study Session minutes
March 5 Special Session Minutes
March 12 Conference minutes
March 26 CC Minutes

ACTION NEEDED: Acting as the City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority, motion to approve the minutes, and, if approved, direct the filing thereof.

ACTION TAKEN: _____

Proclamation

4 P-1213-12 PROCLAMATION NO. P-1213-12: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF APRIL, 2013, AS SEXUAL ASSAULT AWARENESS MONTH IN THE CITY OF NORMAN.

Attachments: Sexual Assault Awareness Month

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1213-12 proclaiming the month of April, 2013, as Sexual Assault Awareness Month in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

5 P-1213-13 PROCLAMATION NO. P-1213-13: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE WEEK OF APRIL 22 THROUGH 26, 2013, AS OU STAFF WEEK IN THE CITY OF NORMAN.

Attachments: OU Staff Week

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1213-13 proclaiming the week of April 22 through 26, 2013, as OU Staff Week in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

6 P-1213-14 PROCLAMATION NO. P-1213-14: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF APRIL, 2013, AS FAIR HOUSING MONTH IN THE CITY OF NORMAN.

Attachments: Fair Housing Month

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1213-14 proclaiming the month of April, 2013, as Fair Housing Month in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

7 P-1213-15 PROCLAMATION NO. P-1213-15: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING TUESDAY, APRIL 9, 2013, AS SERVICE RECOGNITION DAY IN THE CITY OF NORMAN.

Attachments: Service Recognition Day

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1213-15 proclaiming Tuesday, April 9, 2013, as Service Recognition Day in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

8 Consent Docket

Consent Docket

This item is placed on the agenda so that the City Council, by unanimous consent, can designate those routine agenda items that they wish to be approved or acknowledged by one motion. If any item proposed does not meet with approval of all Councilmembers, that item will be heard in regular order. Staff recommends that Item 9 through Item 27 be placed on the consent docket.

ACTION NEEDED: Motion to place Item through Item on the Consent Docket by unanimous vote.

ACTION TAKEN:

_____

ACTION NEEDED: Acting as the City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority, motion to approve or acknowledge all items on the Consent Docket subject to any conditions included in the individual action needed by item.

ACTION TAKEN:

_____

Ordinance

9 O-1112-36 CONSIDERATION OF ORDINANCE NO. O-1112-36 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE SOUTHEAST QUARTER OF SECTION 25 OF TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT AND REMOVE THE SAME FROM THE R-1, SINGLE FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1515 WEST MAIN STREET)

Attachments: Text File Rose Rock
O-1112-36 Rose Rock
Rose Rock Pud Narrative February 2013
Rose Rock School Rezone Location Map
Rose Rock School PUD Staff Report
Rose Rock PUD Narrative May 2012
Rose Rock Site Plan Submitted to PC May 2012
Rose Rock Protest Map
Protest Letters Rose Rock School
5-10-12 PC Minutes - Rose Rock School
Letter requesting postponement Rose Rock

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1112-36 upon First Reading by title.

ACTION TAKEN: _____

Report/Communication

10 RPT-1213-38 SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF FEBRUARY 28, 2013, AND DIRECTING THE FILING THEREOF.

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Attachments: Finance Report February 28 2013

ACTION NEEDED: Motion to acknowledge receipt of the report and direct the filing thereof.

ACTION TAKEN: _____

11 RPT-1213-39 SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF FEBRUARY, 2013, AND DIRECTING THE FILING THEREOF.

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Attachments: Monthly Report February 2013

ACTION NEEDED: Motion to acknowledge receipt of the reports and direct the filing thereof.

ACTION TAKEN: _____

12 RPT-1213-42 CONSIDERATION OF THE NORMAN CONVENTION AND VISITOR'S BUREAU, INC., (NCVB) SEMI-ANNUAL REPORT ENDING DECEMBER 31, 2012.

Attachments: Text File NCVB

NCVB Semi-Annual Report

ACTION NEEDED: Motion to acknowledge receipt of the report and direct the filing thereof.

ACTION TAKEN: _____

Bid

13 K-1213-65 CONSIDERATION OF AWARDING OF BID NO. 1213-32, THE NORMAN UTILITIES AUTHORITY'S APPROVAL OF CONTRACT NO. K-1213-65 WITH CENTRAL CONTRACTING SERVICES, INC. IN THE AMOUNT OF $373,840; PERFORMANCE BOND NO. B-1213-65; STATUTORY BOND NO. B-1213-66, AND MAINTENANCE BOND NO. MB-1213-15 FOR THE APPLE CREEK WATER LINE CONSTRUCTION PROJECT AND BUDGET APPROPRIATION.

Attachments: Text File Apple Creek
Bid Summary
K-1213-65
Performance B-1213-66
Stat B-1213-67
MB-1213-15
AppleCreekWaterline_LocationMap
PR Central

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $373,840 to Central Contracting Services, Inc., as the lowest and best bidder meeting specifications; approve Contract No. K-1213-65 and the performance, statutory, and maintenance bonds; authorize execution of the contract and bonds and the Norman Utilities Authority to pay vendors for equipment and supplies as directed by the contractor; direct the filing of the bonds; and appropriate $224,101 from the Water Fund Balance (031-0000-253.00-00) to Project No. WA0041, Hot Soils, Apple Creek, Construction (031-9360-462.61-01).

ACTION TAKEN: _____

14 K-1213-168 CONSIDERATION OF REQUEST FOR PROPOSAL NO. RFP-1213-64, CONTRACT NO. K-1213-168 WITH REX PLAYGROUND EQUIPMENT IN THE AMOUNT OF $70,000; PERFORMANCE BOND NO. B-1213-64; STATUTORY BOND NO. B-1213-65, MAINTENANCE BOND NO. MB-1213-58, AND RESOLUTION NO. R-1213-101 FOR THE MCGEORGE PARK PLAYGROUND EQUIPMENT PROJECT.

Attachments: Text File McGeorge Park
RFP Summary
K-1213-168
Perf B-1213-64
Stat B-1213-65
MB-1213-58
R-1213-101
PR Rex Playground

ACTION NEEDED: Motion to accept or reject Request for Proposal No. RFP-1213-64 from Rex Playground Equipment for the McGeorge Park Playground Equipment Project; and, if accepted, approve Contract No. K-1213-168 in the amount of $70,000 and the performance, statutory, and maintenance bonds; authorize execution of the contract and bonds; direct the filing of the bonds; and adopt Resolution No. R-1213-101.

ACTION TAKEN: _____

Easement

15 E-1213-23 EASEMENT NO. E-1213-23: A PERMANENT EASEMENT TO CREATE A NO-BUILD ZONE ON PROPERTY LOCATED AT LOT 16, BLOCK 2, PRIDE ADDITION NO. 5 (13818 NORRIS CIRCLE) IN ORDER TO OBTAIN A BUILDING PERMIT FOR THE ADJACENT PROPERTY LOCATED AT 13801 BRIDGE CREEK DRIVE.

Attachments: Text File Norris Circle
French Grant of Easement

ACTION NEEDED: Motion to accept or reject Easement No. E-1213-23; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Final Plat

16 FP-1213-22 CONSIDERATION OF A FINAL SITE DEVELOPMENT PLAN AND FINAL PLAT FOR UNIVERSITY NORTH PARK ADDITION, SECTION XI, A PLANNED UNIT DEVELOPMENT, AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (LOCATED AT THE SOUTHEAST CORNER OF 24TH AVENUE N.W. AND LEGACY PARK DRIVE)

Attachments: Text File Final Plat
UniversityNP_XI Location
Final Plat UNP XI
UNP XI Staff Rpt
Final Site UNP XI
Revised Prelim UNP
12-13-12 PC Minutes - UNP Section XI

ACTION NEEDED: Motion to approve or reject the final site development plan and final plat for University North Park Addition, Section XI, a Planned Unit Development; and, if approved, accept the public dedications contained within the plat, authorize the Mayor to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements and direct the filing of the final site development plan and final plat.

ACTION TAKEN: _____

Encroachment

17 EN-1213-5 CONSIDERATION OF CONSENT TO ENCROACHMENT NO. 1213-5 FOR LOT 12, BLOCK 9, COLLEGE MANOR ADDITION, NORMAN, CLEVELAND COUNTY. (1400 SPRUCE DRIVE)

Attachments: Text File Spruce
Memo from City Clerk 1400 Spruce
Consent EN-1213-5
Letter of Request 1400 Spruce
Board of Adjustment Approval
Letter Speck from Owner of 1400 Spruce
Memo from Utilities 1400 Spruce
Memo from Planning
Letters from Utility Companies Spruce

ACTION NEEDED: Motion to approve or reject Consent to Encroachment No. EN-1213-5; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

18 EN-1213-8 CONSIDERATION OF CONSENT TO ENCROACHMENT NO. EN-1213-8 FOR LOT 3, BLOCK 3, BROOKHAVEN NO. 40 ADDITION, NORMAN, CLEVELAND COUNTY. (2101 BROOKHAVEN BOULEVARD)

Attachments: Text File Brookhaven Encroachment
Memo City Clerk Brookhaven
Letter of Request Brookhaven
Consent EN-1213-8
Memo from Utilities Brookhaven
Public Works Memo Brookhaven
Planning Memo Brookhaven
Letters of Approval from Various Utilities

ACTION NEEDED: Motion to approve or reject Consent to Encroachment No. EN-1213-8; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

19 EN-1213-9 CONSIDERATION OF CONSENT TO ENCROACHMENT NO. EN-1213-9 FOR LOT 23, BLOCK 4, NRH MEDICAL PARK WEST ADDITION, SECTION 4, NORMAN, CLEVELAND COUNTY, OKLAHOMA. (3500 HEALTHPLEX PARKWAY)

Attachments: Text File Healthplex
Memo from Clerk 3500 Healthplex Parkway
Letter of Request Precision
Memo PW Healthplex
EN-1213-9
Memo from Utilities 3500 Healthplex
Memo from Planning Healthplex
Letters from Utility Companies Healthplex
AT&T No Objection Letter - 3500 healthplex

ACTION NEEDED: Motion to approve or reject Consent to Encroachment No. EN-1213-9; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Acceptance of Deed

20 GID-1213-65 CONSIDERATION OF ACCEPTANCE OF A CORRECTED WARRANTY DEED FROM HIGHLAND HILLS, L.L.C., FOR PARK LAND SERVING THE HIGHLAND VILLAGE NEIGHBORHOOD.

Attachments: Text File Corrected Warranty Deed
Original Warranty Deed
Corrected Warranty Deed
Aerial Photo Highland Village
Highland Village Sketch

ACTION NEEDED: Motion to approve or reject a corrected warranty deed from Highland Hills, L.L.C., for park land serving the Highland Village Neighborhood; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Declare Surplus/Obsolete

21 GID-1213-57 DECLARATION OF SURPLUS AND/OR OBSOLETE EQUIPMENT AND MATERIALS AND AUTHORIZING THE SALE THEREOF.

Attachments: Text File Surplus Items
Inventory Sheet from Municipal Court
Inventory Sheets from Fleet
Inventory Sheet for Parks and Rec
Inventory Sheet from Planning
Inventory Sheet from Human Resources

ACTION NEEDED: Motion to declare the equipment to be surplus and/or obsolete; and, if so declared, authorize the sale thereof.

ACTION TAKEN: _____

Donation

22 GID-1213-108 CONSIDERATION OF THE ACCEPTANCE OF A DONATION IN THE AMOUNT OF $500 FROM PATRICIA HANSON TO BE USED AT THE NORMAN ANIMAL WELFARE CENTER.

Attachments: Text File Donation
Donation Letter from Patricia Hanson.pdf

ACTION NEEDED: Motion to accept or reject a donation in the amount of $500 from Patricia Hanson to be used at the Norman Animal Welfare Center; and if accepted, increase Animal Control Liability (010-0000-227.24-31) by $500.

ACTION TAKEN: _____

Limited License

23 LL-1213-8 LIMITED LICENSE NO. LL-1213-8: LIMITED LICENSE TO PLACE ONE (1) GROUND BANNER WITHIN THE PUBLIC RIGHT-OF-WAY PURSUANT TO A REQUEST FROM MARY ABBOTT CHILDREN'S HOUSE FOR "THE CHILDREN'S GARDEN" EVENT TO BE HELD SATURDAY, APRIL 13, 2013.

Attachments: Text File Mary Abbott
Application Limited License Mary Abbott
Sign Mary Abbott
Sign 2 Mary Abbott
Mary Abbott Children's House Limited License

ACTION NEEDED: Motion to approve or reject Limited License No. LL-1213-8 to place one (1) ground banner within the public rights-of-way pursuant to a request from Mary Abbott Children's House; and, if approved, authorize the issuance thereof.

ACTION TAKEN: _____

24 LL-1213-9 LIMITED LICENSE NO. LL-1213-9: LIMITED LICENSE TO PLACE FOURTEEN (14) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE ASSISTANCE LEAGUE OF NORMAN FOR THE MAY FAIR ARTS FESTIVAL TO BE HELD SATURDAY, MAY 4 THROUGH SUNDAY, MAY 5, 2013.

Attachments: Text File May Fair License
May Fair application
May Fair Arts Festival Locations
May Fair

ACTION NEEDED: Motion to approve or reject Limited License No. LL-1213-9 to place fourteen (14) ground banners within the public rights-of-way pursuant to a request from Assistance League of Norman; and, if approved, authorize the issuance thereof.

ACTION TAKEN: _____

Contract

25 K-1213-119 Amd #1 AMENDMENT NO. ONE TO CONTRACT K-1213-119: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND CARDINAL ENGINEERING, INC., INCREASING THE CONTRACT BY $14,019 TO PROVIDE ADDITIONAL ENGINEERING DESIGN SERVICES TO ADD ONE-HALF MILE OF WATER LINE TO THE HIGHWAY NINE WATER LINE RELOCATION PROJECT.

Attachments: Text File amendment with Cardinal
Amd 1 K-1213-119
K-1213-119
Location map
PR Cardinal

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject Amendment No. One to Contract No. K-1213-119 with Cardinal Engineering, Inc., increasing the contract by $14,019; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

26 K-1213-178 CONTRACT NO. K-1213-178: A STORM WATER SYSTEM REPAIRS AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CAMBRIDGE ESTATES HOME OWNERS ASSOCIATION, INC., FOR THE CITY'S SHARE OF STORM WATER SYSTEM DRAINAGE FLUME REPAIRS LOCATED IN CAMBRIDGE ADDITION, SECTION V.

Attachments: Text File Cambridge HOA
K-1213-178
Cambridge HOA Status Ltr to Director Of Public Works (Partnership in Flume R
Attachment to Cambridge HOA Ltr, Flume Repairs (Drawings & Quotes) .PDF
JW Dansby ltr Cambridge flood appl.pdf
Cambridge Addn V.pdf
Cypress Lake-2013-1b-Graphic.pdf

ACTION NEEDED: Motion to approve or reject Contract No. K-1213-178 with Cambridge Estates Home Owners Association, Inc.; and, if approved, authorize the execution thereof and direct payment for the City's 50/50 share in an amount not-to-exceed $10,500 to Cambridge Estates Home Owners Association, Inc.

ACTION TAKEN: _____

27 K-1213-179 CONTRACT NO. K-1213-179: A MEMORANDUM OF UNDERSTANDING WITH THE OKLAHOMA OFFICE OF HOMELAND SECURITY REGARDING GRANT FUNDS IN THE AMOUNT OF $175,000 RECEIVED FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY TO BE ASSIGNED TO THE OKLAHOMA STATE BUREAU OF INVESTIGATION (OSBI) TO CONTINUE SUPPORT OF INFORMATION SHARING AND EXCHANGE SYSTEMS.

Attachments: Text File MOU Pass Thru
K-1213-179

ACTION NEEDED: Motion to approve or reject Contract No. K-1213-179 with the Oklahoma Office of Homeland Security; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Non-Consent Items

28 R-1213-95 RESOLUTION NO. R-1213-95: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, LAND USE PLAN AMENDMENT NO. LUP-1213-7, SO AS TO PLACE LOTS 37 AND 38, BLOCK 3, LARSH'S UNIVERSITY ADDITION, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE COMMERCIAL DESIGNATION AND REMOVE THE SAME FROM THE OFFICE DESIGNATION. (768 SOUTH JENKINS AVENUE)

THE APPLICANT HAS SUBMITTED A LETTER REQUESTING POSTPONEMENT UNTIL JUNE 11, 2013.

Attachments: Text File R-1213-95
Email requesting postponement
R-1213-95
GreekHouse 2025 Map
Greek House 2025 Staff Report 2
Greek House Aerial Photo
Predevelopment Mohammed
2-14-13 PC Minutes - Greek House
Email requesting postponement

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-95, Land Use Plan Amendment No. LUP-1213-7; and, if adopted, amend the Norman 2025 Land Use and Transportation Plan thereto.

ACTION TAKEN: _____

29 O-1213-30 CONSIDERATION OF ORDINANCE NO. O-1213-30 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE LOTS 37 AND 38, BLOCK 3, LARSH'S UNIVERSITY ADDITION TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT WITH SPECIAL USE FOR A BAR, LOUNGE OR TAVERN, AND REMOVE THE SAME FROM THE RO, RESIDENCE-OFFICE DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (768 SOUTH JENKINS AVENUE)
THE APPLICANT HAS SUBMITTED A LETTER REQUESTING POSTPONEMENT UNTIL JUNE 11, 2013.

Attachments: Text File O-1213-30
Email requesting postponement
O-1213-30
GreekHouse Location Map
Staff Report T & J Fuel O-1213-30
Greek House Aerial Photo
Greek House Protest
2-14-13 PC Minutes - Greek House

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-30 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-30 upon Final Readnig as a whole.

ACTION TAKEN: _____

30 O-1213-31 CONSIDERATION OF ORDINANCE NO. O-1213-31 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 422.1 (AMENDMENTS) OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO ALLOW CONCURRENT SUBMITTAL OF PRE-DEVELOPMENT AND PLANNING COMMISSION APPLICATIONS; REGULATING TIME BETWEEN PRE-DEVELOPMENT AND PLANNING COMMISSION MEETINGS; SPECIFYING NOTICE REQUIREMENTS AND CLARIFYING OTHER SUBMITTAL REQUIREMENTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Attachments: Text File O-1213-31

O-1213-31 Concurrent PD and PC - Clean

O-1213-31 Annotated

O-1213-31 Staff Report

2-14-13 PC Minutes - O-1213-31 and 32

Pert Exc BACA Feb 7 Minutes

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-31 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-31 upon Final Readnig as a whole.

ACTION TAKEN: _____

31 O-1213-32 CONSIDERATION OF ORDINANCE NO. O-1213-32 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE I, SECTION 19-104; ARTICLE II, SECTIONS 19-201, 19-202 AND 19-204; ARTICLE III, SECTIONS 19-301, 19-302, 19-307 TO 19-319; AND ARTICLE VI, SECTION 19-602 AND 19-606 AND ADDING ARTICLE III, SECTION 19-320 TO EXTEND THE VALIDITY PERIOD OF PRELIMINARY PLATS AND TO ESTABLISH FEES THEREFORE; TO REMOVE THE REQUIREMENT FOR PLANNING COMMISSION APPROVAL OF FINAL PLATS; TO AMEND THE DEVELOPMENT APPLICATION PROCESS; AND TO REMOVE THE REQUIREMENT FOR PRE-DEVELOPMENT MEETING FOR PROPERTIES SUBDIVIDED BY CERTIFICATE OF SURVEY; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Attachments: Text File O-1213-32

O-1213-32

O-1213-32 Annotated

O-1213-32 Staff Report Sect. 19-302

2-14-13 PC Minutes - O-1213-31 and 32

3-14-13 PC Minutes - O-1213-32

Pert Exc BACA Feb 7 Minutes

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-32 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-32 upon Final Readnig as a whole.

ACTION TAKEN: _____

32 O-1213-33 CONSIDERATION OF ORDINANCE NO. O-1213-33 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE II, CHAPTER 5, OF THE CODE OF THE CITY OF NORMAN BY DELETING SECTION 5-206 WHICH DESIGNATES THE FIRE LIMIT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Attachments: Text File O-1213-33
O-1213-33 Clean
O-1213-33 Annotated
FireDistrict Map

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-33 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-33 upon Final Reading as a whole.

ACTION TAKEN: _____

33 K-1213-172 CONTRACT NO. K-1213-172: A CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY, THE CITY OF DEL CITY, DEL CITY MUNICIPAL SERVICES AUTHORITY, AND CENTRAL OKLAHOMA MASTER CONSERVANCY DISTRICT FOR PURCHASE OF SURPLUS WATER FROM LAKE THUNDERBIRD.

Attachments: Text File K-1213-172
K-1213-172
COMCD transmittal letter 02-08-13
Pert Excerpts Feb 19 SS Minutes

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject Contract No. K-1213-172 with the City of Del City, Del City Municipal Services Authority, and the Central Oklahoma Master Conservancy District; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

34 O-1213-38 CONSIDERATION OF ORDINANCE NO. O-1213-38 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE XII, SECTION 431.6, AND ARTICLE XIV, SECTION 450(51) OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN TO MODIFY THE COMMERCIAL OUTDOOR LIGHTING STANDARDS ORDINANCE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Attachments: Text File O-1213-38
O-1213-38 Clean Copy
O-1213-38 Annotated
Staff Report O-1213-38
3-14-13 PC Minutes - O-1213-38
Oversight Committee Feb 13 Minutes

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-38 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-38 upon Final Readnig as a whole.

ACTION TAKEN: _____

35 K-1213-180 CONTRACT K-1213-180: A CONTRACT BY AND BETWEEN THE NORMAN MUNICIPAL AUTHORITY AND ALLIED WASTE SYSTEMS, INC. TO PROVIDE RESIDENTIAL CURBSIDE RECYCLING COLLECTION SERVICES.

Attachments: Text File K-1213-180
K-1213-180
February 5 Study Session Minutes
Excerpt SS Recycling February 19

ACTION NEEDED: Motion to approve or reject Contract No. K-1213-180 with Allied Waste Systems, Inc., and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

36 **Miscellaneous Discussion**
This is an opportunity for citizens to address City Council. Remarks should be directed to the Council as a whole and limited to five minutes or less.

37 **Adjournment**

City of Norman, OK

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: GID-1213-64

File ID:	GID-1213-64	**Type:**	Minutes	**Status:**	Draft
Version:	1	**Reference:**	Item No. 3	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	03/12/2013
File Name:	Minutes			**Final Action:**	

Title: APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL FINANCE COMMITTEE MINUTES OF FEBRUARY 20, 2013
CITY COUNCIL STUDY SESSION MINUTES OF FEBRUARY 26, 2013
CITY COUNCIL STUDY SESSION MINUTES OF MARCH 5, 2013
CITY COUNCIL SPECIAL SESSION MINUTES OF MARCH 5, 2013
CITY COUNCIL CONFERENCE MINUTES OF MARCH 12, 2013
CITY COUNCIL MINUTES OF MARCH 12, 2013
NORMAN UTILITIES AUTHORITY MINUTES OF MARCH 12, 2013
NORMAN MUNICIPAL AUTHORITY MINUTES OF MARCH 12, 2013
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF MARCH 12, 2013

Notes: ACTION NEEDED: Acting as the City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority, motion to approve the minutes, and, if approved, direct the filing thereof.

ACTION TAKEN: _____

Agenda Date: 03/26/2013

Agenda Number: 3

Attachments: February 20 Finance Committee minutes, March 5 Study Session minutes, March 5 Special Session Minutes

Project Manager: Brenda Hall, City Clerk

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File GID-1213-64

FINANCE COMMITTEE MINUTES
February 20, 2013

The City Council Finance Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the Municipal Building Study Session Room on the 20th day of February, 2013, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 24 hours prior to the beginning of the meeting.

PRESENT:	Members Castleberry, Gallagher, Griffith, Kovach, and Chair Rosenthal
ABSENT:	None
OTHERS PRESENT:	Linda Lockett, Council Member Steve Lewis, City Manager Anthony Francisco, Finance Director Suzanne Krohmer, Budget Manager Gala Hicks, Human Resources Director Linda Price, Revitalization Manager James Briggs, Park Planner Carol Coles, Administrative Assistant Dr. Sue Schrems, Cleveland County Historical Society Vernon Maddux, Cleveland County Historical Society Douglas Shaw-Elder, Firehouse Art Center Kathleen Wilson, Kiwanis Kruiser Katie Fitzgerald, CCFI, Executive Director Jennifer Heavner-Baker, Sooner Theatre, Inc. Nicki Kraisky, Business Manager, Sooner Theatre, Inc. Teresa Capps, Social & Voluntary Services Commission

DISCUSSION REGARDING THE FOLLOWING OUTSIDE AGENCIES FUNDING REQUESTS FOR FYE 14

Cleveland County Historical Society – Mr. Maddux made presentation.

- Society is asking for $200 increase for FYE 14 for a total of $31,700.
- Society is working on a historical book of Norman that will be available to purchase in November 2013.

Firehouse Art Center – Douglas Shaw-Elder, Executive Director, made presentation.

- Firehouse Art Center is asking for $60,000 for FYE 14, same amount as this year.
- The agency offers programs that change the community and the children's programs are free.
- Firehouse is asking for more corporate sponsorships.
- In FYE 2017 Firehouse will pay 100% of the utilities that have been paid by the City, estimated to cost $25,000 per year.
- Plans are to replace heat and air system this fiscal year with freed-up bond funds.
- National Arts Council grants funding is approximately $29,000 per year.

Kiwanis Kruiser (Aging Services) – Kathleen Wilson, Executive Director, made presentation.

- Recent repairs to the van depleted funds: windows were blown out during storm and lift was not working properly.
- Seniors are being taken shopping more often.
- Seniors are paying more per ride.
- Aging Services are asking for $2,000 more for a total of $9,500.
- Could Kiwanis provide more funding?
- Kovach wants funding level to return to 2009/2010 level which would be $10,000 - $11,000.
- Could there be an addendum to FYE 13 budget, since repair costs were high.
- Mayor asked for a letter from the agency with explanation of why they asking for additional funds for this year.

Center for Children and Families – Katie Fitzgerald, Executive Director, made presentation.

- The three main activities of the CCFI are to heal abused/neglected children, strengthen families, and operate the neighborhood centers.
- The agency is asking for an additional $10,000 for a total of $100,000 for FYE 14.
- CCFI is seeking $3,000,000 through private donor support to construct a new facility.
- They expect a couple of grants to roll-off this year.

Sooner Theatre, Inc. – Jennifer Heavner-Baker, Executive Director, and Nicki Kraisky, Business Manager, made presentation.

- Facility has new ramp inside.
- Theater gave 80 scholarships this year valued at $30,000 which is double last year.
- Second space on Main Street is at capacity and Sooner Theatre is looking for growth options for facility.
- Gallagher asks if Oklahoma State Historical Society funds might be available for the theater.

89er Day Parade – Mr. Hollingsworth was not present due to illness.

- Committee is requesting $5,000 for FYE 14, same as this year.
- Mayor asked if Cleveland County Fair Board can be a partner with parade instead of expense. Letter will be sent requesting information.

Social and Voluntary Services Commission – Teresa Capps, Commission Chair, made presentation.

- SVSC is requesting $150,000 funding for FYE 14, same as this year.
- The all-volunteer commission is a steward of the City as they audit the various non-profit agencies that receive City funds.
- Discussion was held of the United Way contributions from City employees and whether the City could match them or not.

Performing Arts Studio – No presentation made.

- The agency is requesting $3,000 funding for the FYE 2014 year, an increase of $300.

Item(s) submitted for the record:

1. Cleveland County Historical Society Report to Finance Committee dated February 20, 2013.
2. Firehouse Art Center 2013 Organization Annual Report (September 1, 2011 – August 2012).
3. Kiwanis Kruiser FYE 13 Annual Report as of 02/08/2013.
4. City of Norman – Neighborhood Centers Annual Report dated February 8, 2013.
5. The Sooner Theatre of Norman, Inc. Financial Report FYE 2012
6. Letter from 89er Day Parade Chair, Charles R. Hollingsworth dated February 7, 2013
7. Memo from Teresa Capps, Chair to Finance Committee dated February 8, 2013, Social and Voluntary Services Funding for FYE 14.
8. Performing Arts Studio Report to City of Norman Finance Committee dated February 15, 2013.

SUBMISSION OF THE REVENUE/EXPENDITURE REPORT AS OF JANUARY 31, 2013

- Makeup of late reporting by businesses that caused a decrease in sales tax report last month was discussed.
- Anthony Francisco gave a copy of the RFP for Auditing Services for all City funds to the Committee.
- RFP for services submitted every three-five years.
- Delivery of preliminary audit for first Council meeting in December.
- In September preliminary audit figures are to be presented to Finance Committee.
- Qualifications specified in RFP ask for types of services provided by firm; past experience; and mandatory qualifications.
- Cost proposal is a separate component.

Items submitted for the record:

1. Summary of Major Funds-General; Capital; Westwood; Water; Water Reclamation; Sewer Maintenance; New Development Excise; Sewer Sales Tax; and Sanitation Fund Revenue Sources vs. Budget, Financial Report as of January 31, 2013.

SUBMISSION OF THE REPORT ON OPEN POSITIONS

- Kovach would like to see the FYE 14 Budget figured without the frozen position numbers in it. Will plan to bring to Finance Committee in March.

Items submitted for the record:

1. City of Norman/Human Resources Department Recruitment and Selection Report dated February 13, 2013.

MISCELLANEOUS DISCUSSION

- The March Finance Committee will be held as scheduled on March 20, 2013.
- Kovach wants to revisit refinancing TIF, get out of current contract and charge administrative services to TIF.
- Castleberry concerned about budget presented to Council. He wants to see 2 budgets.
  - one with what staff wants with negative fund balances.
  - what can we cut out in priority order, preferably in operating budget.
  - concentrate on General Fund.
- Health insurance has new requirements
- Some additional costs include:
  - State exchanges will be funded through third party administrator.
  - Some part-time employees will have to be covered by health insurance.
  - Current third party administrator – UMR processes claims
- Cadillac plan in 2018 concern

The meeting was adjourned at 7:00 pm.

ATTEST:

City Clerk

Mayor

CITY COUNCIL STUDY SESSION
February 26, 2013

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a study session at 5:30 p.m. in the Municipal Building Conference Room on the 26th day of February, 2013, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
ABSENT	None

Item 1, being:

DISCUSSION REGARDING THE FYE 2014 CAPITAL BUDGET AND THE FYE 2014-2017 CAPITAL IMPROVEMENTS PLAN.

Ms. Linda Price, Revitalization Manager, said tonight's presentation will primarily focus on the FYE 2014 Capital Budget, including the Capital Fund 50 and she said that Mr. Anthony Francisco, Finance Director, has made resource assumptions that the City would expect a 4.25% increase in FYE 2014, as well as a 4.25% increase in resources for FYE 2015-2019. She said the funding sources for Capital Fund are as follows:

- Capital Sales Tax (.07%)
- General Obligation Bonds
- Public Safety Sales Tax
- Interest Income
- Grants
- Private

Ms. Price said assumptions were made at the October 17, 2012, Finance Committee Meeting and the Committee requested Staff to pursue certain projects to include:

• Indian Hills Road overpass deck	$ 211,221
• 36th Avenue N.W. and Havenbrook signal design	$ 79,510
• 12th Avenue N.E. and High Meadows Avenue signal Design	$ 79,975
• Park projects at N.E. Lions, Tulls, and Eastwood Parks	$ 520,000
• Combine the 2014 Council Chambers Audio Visual Project with 2013	$ 350,000
• HVAC replacements at Reaves Center, Senior Center, and Firehouse Art Center	$ 35,000
TOTAL	$ 1,275,706

Ms. Price said the N.E. Lions, Tulls, and Eastwood Parks were selected because they are the three top priority parks in the Parks Master Plan and originally the Council Chambers Audio Visual Project was split between FYE 2013 and FYE 2014 but was later determined that it would be too difficult to award a contract with funding in two separate budget years.

Staff made project assumptions in regards to postponements and decreases in projects to include:

• Postpone Apparatus/Equipment and Storage Building to 2015	$ 730,000
• Postpone Sutton Wilderness Dam to 2015	$ 750,000
• Postpone Municipal Judicial Center Design to 2016	$ 286,000
• Postpone Indian Hills Road Signals (East & West Interchanges at I-35)	$ 200,000

• Delete funding one year Alley Repair	$ 190,000
• Traffic Calming	$ 100,000
• Concrete Valley Gutter (will allow time for current projects to be completed)	$ 75,000
• Reduce bridge maintenance from $150,000 to $100,000	$ 50,000
• Reduce driveway repair from $25,000 to $10,000 (historic participation level)	$ 15,000
• Postpone US77 and Post Oak Road signal to 2015	$ 15,000
• Postpone Main Street downtown improvements to 2015	$ 517,622

Ms. Price highlighted the project cost increases stating the intent was to have $100,000 in the budget each year for the Oklahoma Department of Transportation (ODOT) audit adjustments; however, FYE 2014 did not reflect that cost. She said the signal design at both Rock Creek Road and 12th Avenue N.W. and Rock Creek Road and Trailwoods include not only signal designs, but will also include intersection improvement designs which increased the project cost $95,000. Ms. Price said there have been more requests for sidewalk accessibility; therefore, Staff proposes to increase the Citywide sidewalk accessibility projects by $10,000.

Proposed new infrastructure projects are as follows:

• Westwood Pool Tank And Pump Replacements for slide	$150,000
• Westwood Tennis Center Plexipave Overlay	$ 60,000
• Recreation Center Basketball Goal Replacements	$ 21,000
• Andrews Park Pavilion Replacement	$ 20,000
• Andrews Park Reforestation	$ 20,000
• 12th Avenue Sports Court Gym Floor Replacement	$ 96,000
• Kids Space Playground Maintenance	$ 30,000
• Griffin Soccer Field lighting	$ 170,000
• Building A HVAC	$ 725,000
• Municipal Complex Signage	$ 50,000
• Municipal Complex Painting	$ 50,000
• Library Plumbing Upgrade	$ 5,000
• Animal Welfare Generator – not included in bond issue	$ 45,000
• Range Safety Lights	$ 24,000
• Animal Welfare Fencing – not included in bond issue	$ 15,000
• City Phone System Replacement	$ 265,000
• Fleet Window Replacement	$ 45,000
• 36th Avenue N.W./Havenbrook Signal Utility Relocation	$ 50,000
• 12th Avenue N.E./High Meadows Signal Utility Relocation	$ 10,000
• 12th Avenue N.E./Indian Hills Road Signal City share of design	$ 5,000
• Boyd/University Blvd. Signal Replacement and Interconnect design	$ 50,000
• 24th N.W. /Tee Drive Signal design	$ 150,000
• Pavement Overlays:	$ 401,115
* Lindsey Street: Berry Road – Jenkins Avenue	
* Constitution Avenue: Jenkins Avenue – Classen Boulevard	
* Imhoff Road: Classen Boulevard – 24th Avenue S.E.	
* Alameda Avenue: 48th Avenue East – 60th Avenue East	
• Rock Creek Road at 12th N.W. and Trailwoods Signal design	$ 95,000
• McKinley School Construction of lane on west side of school	$ 50,000
• Cambridge drainage improvements	$ 65,000

- 10 Mile Flat Creek LOMR $ 75,000
- Brookhaven Creek-Rock Creek Road LOMR $ 25,000
- Sidewalks/Trails $ 140,000

Animal Welfare
Ms. Price highlighted a portion of the new proposed projects. She said the purchase of a generator and fencing at the Animal Welfare Center were costs that had not been included with the bond issue. Councilmember Spaulding asked why the Animal Welfare generator and fencing was not part of the bond project. Deputy Police Chief Jim Maisano said the fencing requested in this project will extend west of the current fencing and enclose the pole barn to make a large animal holding area. Deputy Chief Maisano said the Animal Control Division acquired the pole barn behind the present fence from the Sanitation Division when the Compost Facility was updated. He said the bond issue was to renovate the building and the impound center and fencing was not included. Mayor Rosenthal said the Animal Welfare Center renovation was mostly focused on small animals. Assistant Chief Maisano said the fencing was never included in the feasibility study or the building construction project. Councilmember Castleberry asked how crucial the inclusion of the generator was. Assistant Chief Maisano said there have been instances when the facility has lost power and to keep it cool or heated for the animals became a real issue. Councilmember Castleberry asked if private funds could be raised for the fencing and Assistance Chief Maisano said donations are always welcome. He said currently because there is not a large facility to hold large animals, they are forced to find someone with available pasture space based on a fee paid per day.

Street Projects
Ms. Price said the pavement overlays on Lindsey Street, Constitution Avenue, Imhoff Road, and Alameda Street are large projects and are shown separately because it is difficult to fund the projects out of the maintenance budget. She said the Police Department requested the construction of a lane on the west side of McKinley School to improve traffic circulation to alleviate high volumes of traffic on Flood Avenue during the times school starts and lets out.

Councilmember Spaulding asked Mr. O'Leary how many miles of unpaved road are in Norman city limits and if any are included in these capital projects. Mr. O'Leary said with the current bond program it will be under 10 miles. Mr. Greg Hall, Street Superintendent, said there is one mile that Bureau of Indian Affairs will provide additional funds for paving. Ms. Price said rural road paving is included in a different part of the budget. Mr. Hall said approximately 1.5 miles is included in this budget in smaller segments.

Sidewalks
Ms. Price said the proposed FYE Annual 2014 Sidewalk Program has a cost of $195,000 with six new requests totaling $807,000 and 21 previous requests totaling $2,093,000. Staff recommends that the 27 unfunded projects be ranked; propose an additional $140,000 in FYE 2014 Projects; and consider alternative funding plan for public sidewalk projects. She provided a location map of all unfunded sidewalk projects.

Councilmember Kovach asked for an update on the Safe Routes to School Program and if it could be expanded. Mr. Shawn O'Leary, Director of Public Works, said the Kennedy School Project would be starting this year at an approximate cost of $200,000 and will be reporting back to Council which school has been selected by the Association of Central Oklahoma Governments (ACOG). Councilmember Williams asked if the sidewalks in front of schools are paid for by Norman Public Schools (NPS). Mr. O'Leary said it was combination of the City and NPS but generally NPS used their money on the building and lets the City handle the infrastructure.

Councilmember Gallagher asked for additional information about the replacement of sidewalks on the south side of Robinson Street near the intersection with 24th Avenue N.W. Mr. O'Leary said some of the sidewalks in this area are hazardous and some of the area has no sidewalks at all. Councilmember Gallagher asked if they were to be replaced with 10-foot sidewalks and Mr. O'Leary said they were standard size sidewalks. Councilmember Gallagher said there is an area on Sunrise Drive that needs to be replaced. Councilmember Williams asked if the sidewalks on 24th Street N.W. by Westwood would be paid for by the City. Mr. O'Leary said because the City owned this property, it would be the City's responsibility.

Councilmember Castleberry asked how much funding goes into the 50/50 sidewalk program and Mr. O'Leary said $50,000. Mr. Scott Sturtz, City Engineer, said $195,000 is proposed for annual sidewalk programs in for FYE 2014 and an additional $140,000 is proposed as a staff recommendation. Mayor Rosenthal said that closeness to schools; connectivity of present gap sidewalks; and safety should be the motivation for prioritizing a project. Councilmember Kovach said Americans with Disabilities Act (ADA) issues should be added to how a project should be prioritized and the Mayor agreed. Councilmember Kovach said at the end of the fiscal year, Council will know what extra monies will be available and suggested using it for the 50/50 match to help rehabilitate some of the older sidewalks and increase new projects.

Room Tax
Ms. Price said the Room Tax Fund will be used to replace Whittier and Irving Recreation Center gym floors during the summer of 2013 at a cost of $170,000. She said this is a Parks and Recreation Department project and Room Tax monies are set aside for this purpose.

Public Safety Sales Tax (PSST)
With the adoption of the FYE 2014 PSST budget, 69 of 71 positions will have been added and both fire stations built. Excess PSST funding ($4.5 million) was identified by Council in FYE 2013 to pay for the CAD/RMS/MDS Systems, Smalley Center renovation, and replacement of two (2) fire trucks. Staff is requesting guidance from Council to determine if additional PSST excess funds be made available in FYE 2014, could minimum estimated fund balance be maintained in FYE 2016 after the PSST ends to keep the added public safety staff for six (6) months. Also, does Council want to maintain additional 2016 fund balance for other needs and should any funding be allocated for capital needs in FYE 2014.

Mayor Rosenthal suggested that the PSST budget items be placed on a Finance Committee agenda or at another budget meeting as a single item within the next month to stay on track with the budget schedule.

Councilmember Castleberry asked how Staff arrived at a 4.25% assumption rate and asked what the assumption rate was at this time. Mr. Anthony Francisco, Director Finance, said it was 3.2%. Councilmember Castleberry asked why Staff was optimistic that so much more would be available by next year. Mr. Francisco said these estimates were attainable based on how the City has progressed historically. Councilmember Castleberry said he would rather this be based on realistic projections and Councilmember Gallagher agreed. Councilmember Kovach pointed out that future projects are being planned but if the economy goes the wrong direction, the projects can be postponed. He said he would rather have a plan based on the historical average. Ms. Price said approximately $1.4 million has been left to be used to cover any shortfalls. Mayor Rosenthal said the plan is being adopted but that plan will have changes over time and Council has control whether or not a project should come forward.

Councilmember Kovach asked for more details about the City phone replacement. Mr. Francisco said this project will replace the current analog system which is approximately 30 years old with a Voice Over IP System. This will be Citywide as some of the facilities are not connected to the current system.

Councilmember Williams asked if the Griffin Park Soccer Field Lighting Project included the funding that was raised by Norman Youth Soccer Association (NYSA). Mr. Jud Foster, Director of Parks and Recreation, said it does not. He said NYSA is adding an additional $80,000 to the project.

Councilmember Gallagher how old the pump was that was to be replaced at Westwood. Mr. Foster said the pump is for the slide pool which was built in 1994. He said the filter tank started leaking last year and was out of service until it was patched.

Mayor Rosenthal said Council will continue the discussion about Public Safety Sales Tax and public safety capital needs at the study session on March 16, 2013.

Items submitted for the record

1. Memorandum dated February 22, 2013, from Ms. Linda R. Price, Revitalization Manager, to Honorable Mayor and Councilmembers
2. Capital Fund Summary including Preliminary Capital Improvements FYE 14 Budget and FYE15-18 Plan, dated February 21, 2013
3. PowerPoint presentation entitled, "Capital Fund 50, FYE 2014 Capital Budget, FYE 2015-2018 Plan," dated February 21, 2013
4. Sidewalk Project Locations map

The meeting adjourned at 6:18 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL SPECIAL SESSION MINUTES

March 5, 2013

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Special Session at 5:31 p.m. in the Municipal Building Conference Room on the 5th day of March, 2013, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
ABSENT:	None

Item 1, being:

CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES TITLE 25 § 307(B)(1) IN ORDER TO EVALUATE THE CITY MANAGER AS REQUIRED BY SECTION 5(A) OF CONTRACT NO. K-0708-32.

Councilmember Kovach moved that the City Council meeting be adjourned out of and an Executive Session be convened into in order to evaluate the performance of the City Manager as required by Section 5(a) of Contract No. K-0708-32, which motion was duly seconded by Councilmember Griffith; and the question being upon adjourning out of the Special Session and convening into an Executive Session in order to evaluate the performance of the City Manager as required by Section 5(a) of Contract No. K-0708-32, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the Special Session adjourned out of and an Executive Session was convened into in order to evaluate the performance of the City Manager as required by Section 5(a) of Contract No. K-0708-32.

The City Council adjourned into Executive Session at 5:32 p.m. Mr. Steve Lewis, City Manager, was in attendance at the Executive Session.

Thereupon, Councilmember Kovach moved that the Executive Session be adjourned out of and the Special Session be reconvened, which motion was duly seconded by Councilmember Williams; and the question being upon adjourning out of Executive Session and upon the subsequent reconvening, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Executive Session adjourned out of; and the Special Session was reconvened at 10:40 p.m.

The Mayor said the performance of the City Manager as required by Section 5(a) of Contract No. K-0708-32 was discussed in Executive Session. No action was taken and no votes were cast.

* * * * *

Item 4, being:

ADJOURNMENT

There being no further business, Councilmember Kovach moved that the meeting be adjourned, which motion was duly seconded by Councilmember Williams; and the question being upon adjournment of the meeting, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the meeting was adjourned at 10:42 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL STUDY SESSION MINUTES

March 5, 2013

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a study session at 5:30 p.m. in the Municipal Building Conference Room on the 5th day of March, 2013, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 24 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, and Mayor Rosenthal
ABSENT:	None

Item 1, being:

UPDATE AND DISCUSSION ON THE COMPREHENSIVE TRANSPORTATION PLAN PREPARED BY FREESE AND NICHOLS.

The presenter was unable to the meeting this evening due to a medical emergency. The presentation will be rescheduled.

The meeting adjourned at 5:31 p.m.

ATTEST:

_____ _____

City Clerk Mayor

CITY COUNCIL CONFERENCE MINUTES

March 12, 2013

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a study session at 5:30 p.m. in the Municipal Building Conference Room on the 12th day of March, 2013, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Castleberry, Gallagher, Jungman, Lockett, Spaulding, Williams, and Mayor Rosenthal
ABSENT:	Councilmembers Kovach and Griffith

PRESENTATION BY REPRESENTATIVES OF THE DEVELOPER FOR THE UNIVERSITY NORTH PARK TAX INCREMENT FINANCE DISTRICT REGARDING THE ENTRYWAYS TO BE CONSTRUCTED WITHIN THE DEVELOPMENT.

Mayor Rosenthal said representatives for the University North Park development will present information related to aesthetic improvements currently in the planning stages for the University North Park (UNP) area. She recognized three (3) Tax Increment Finance (TIF) Oversight Committee members; Dr. Joe Siano, Dr. Harold Haralson, and Mr. Freddy Walden also in attendance.

Mr. Jeff Bryant, City Attorney, said while creating and reviewing Development Agreement No. 5, there was discussion and interest by Council about moving forward with some of the entrance improvements in the UNP area. He said Council expressed a strong desire to begin creating a sense of place at UNP and Staff forwarded Council's desire to the developers who presented concept drawings and designs to Staff in January 2013. Mr. Bryant said developers will be presenting their ideas about what the UNP entrances should look like as well as entrances to the Village Center. He said tonight's dialogue will also include possible developer interest in potentially partnering with the City to finish some of the landscaping around the detention pond per Council discussions/request during the Legacy Park contract. Mr. Bryant introduced Mr. Brad Goodwin, Sooner Investment Commercial and Investment Real Estate, and Mr. Robert Collett, Collett and Associates. Mr. Collett said he is pleased that Legacy Park is coming to fruition and felt the park and construction of the proposed entryways will be a quality that will help attract the type of tenants the City wants in the UNP.

Mr. Collett highlighted:

- current built developments;
- developments under construction;
- what is coming to UNP soon;
- connectivity to Legacy Park;
- entryway features; and the
- iconic tower at Legacy Place.

Mr. Collett said if done properly, the Village/Town Center, Legacy Park, proposed walking trail(s), and the on-going construction on the north side of Rock Creek Road will further the interconnectivity of UNP, as well as cultivate a family and pedestrian friendly type of environment. He felt the entryway features of UNP and the iconic tower at Legacy Place will further the environment envisioned for UNP.

Mr. Collett provided a site marketing plan composite and highlighted the existing buildings, buildings under construction, and proposed future construction and buildings coming soon to UNP. The plan also reflected Legacy Trail and the pathway/pedestrian path. He said Mathis Brothers and possibly Chuck E. Cheese. will be

located on the far north side of UNP (Lot 7) behind Kohl's and both businesses are very excited to come to Norman. Currently infrastructure needs are being studied and developers foresee the area being viable sooner, rather than later. Mr. Collett felt more family and home-related businesses would follow. He said a contract is underway but not completed with Residence Inn Hotel and feels certain that it will transpire within a year. Mr. Collett said the Town Center has engaged in meetings, various real estate conventions, and active discussions with tenants that UNP Development has always dreamed of having. He said approaching the Town Center, the architecture "steps up" as people and/or vehicles proceed which has always been the intention.

Mr. Collett provided an overview of the current and proposed pedestrian path beginning at the entrance wall features into UNP as well as pedestrian paths in and around UNP including Legacy Park. He said the iconic tower is the "exclamation point" of UNP and will be visible from I-35 and Robinson Street, which he feels will help draw the "iconic" tenants that are wanted and deserved at UNP. The proposal also reflects a walking path from John Q. Hammons Embassy Hotel and Conference Center located on Conference Center Drive and west around the detention pond at Legacy Park, which will allow connectivity from the park to the conference center as well as the rest of the Town Center located south of the conference center.

The proposed entry wall at Robinson Street and 24th Avenue N.W. is approximately eight feet, six inches (8'6") to the top of the planter feature and will be an attention-getter without blocking out the locations and/or activities within UNP. The proposed design will include the name *Town Center University North Park* on the wall with a multi-colored lighting feature and a landscape concept that will be top quality and exude class. Mr. Collett said the proposed entry will be subtle yet "pop" thus creating an entry feature that people will recognize and certainly remember. He said the proposal includes an iconic tower located at Legacy Drive and possible entryways at both Rock Creek Road and Tecumseh Road. The main entry adjacent to the iconic tower is part of the Town Center and will be the first portion built that is to be deeded with the Town Center.

Mr. Collett said Zoe's Kitchen, a Mediterranean upscale restaurant, will be a free-standing building located north of Chipotle Restaurant and the anticipated opening date should be mid to late summer 2013. He said the architecture is unique and, in his opinion, resets the standard for the architecture in the Town Center. Mr. Collett said there is tremendous tenant interest in lifestyle categories from tenants you might see at malls, restaurants, etc., and UNP developers are very excited. He presented renderings of the architecture elements for proposed businesses within UNP and the Village Center including the Legacy Place Building and the 50-foot Legacy Place iconic tower to be located at Legacy Drive and 24th Avenue N.W. The area will have major landscaping, slanted parking, and will have the main entry signage for Legacy Place. The Legacy Place iconic tower will include a fire feature that will accentuate the entrance and be visually pleasing to the eye. The fire will only burn at night and be environmentally safe. He said the Federal Aviation Administration (FAA) should be fine with the tower, and the pole holding the flame is four (4) feet with the flame itself from two to six feet tall. Mr. Collett felt like the iconic tower will be fresh and new and something that no other city will have.

Mr. Collett requested feedback from Council regarding the entryway(s) including entry walls, iconic tower, walking path around the detention pond, and said the Developer sees pulling all the pieces together with the City's assistance.

Councilmember Gallagher asked who will pay for the flame and ongoing costs for the iconic tower and Mr. Collett said the tenants at UNP will share the costs.

Councilmember Castleberry asked who will be financially responsible for the walking trail and landscaping and Mr. Collett said Mr. Frank Goppold, Goppold Architecture, was in an accident and was not able to attend tonight's meeting. He said Mr. Goppold would probably know that particular information and he is not sure of the financial costs and/or responsibility at this time. Mr. Bryant said during bid discussions, Council was not comfortable with funding the landscaping around the detention pond and requested Staff approach the Developer asking if they would be willing to do the landscaping portion around the detention pond, as bid. Mr. Collett said the

Developers agreed to contemplate the request and Mr. Collett agreed, stating the park and walking trails will definitely work for UNP. Mr. Bryant said he is aware there are questions about the funding but the funding has not totally been decided yet. He said the Developer requested the opportunity to share the preliminary plans for the improvements with Council and get Council feedback on the design before moving the project forward. Mr. Bryant felt the Developer did not want to pursue and complete the costing of the proposal until Council accepted the concepts and ideas; then once a consensus on the concept is achieved, the Developer will work on the costing for the proposal and determine a budget.

Mr. Bryant said Development Agreement No. 5 set aside approximately $200,000 to further this particular effort, i.e., a portion for design and construction of the entrances on Robinson Street and 24th Avenue; a portion for the UNP Master Landscaping Plan, and a portion for the UNP Master Lighting Plan. He said some of these particular aesthetic improvements began in UNP when the Norman Tax Increment Finance Authority (NTIFA) approved Contract No. K-1112-134 with Traffic Engineering Consultants, Inc., on June 26, 2012, for consulting and engineering services associated with the development of UNP Master Lighting Plan.

Councilmember Gallagher asked if the walking trail will be concrete or impervious and Mr. Collett felt because of the detention system it would be concrete but was not certain. Mr. Bryant said the sidewalks would probably fall under the same pattern as Legacy Trail which is a wider concrete structure.

Mayor Rosenthal felt the walking trails within UNP and Legacy Park will be a "connectivity plus" and will be utilized by business travelers. Councilmember Castleberry agreed and felt that providing a beautiful park and valuable connectivity will allow people to utilize the UNP area, i.e., spending the afternoon walking, shopping, and/or going to a restaurant. Mr. Collett agreed and felt the UNP Legacy Park will be fantastic. He said Council really had the vision for Legacy Park and felt it will be an overwhelming accomplishment for the City.

Councilmember Castleberry asked if any proposed restaurants will be waterside restaurants and Mr. Collett felt the best restaurants will probably be located right around the park. Dr. Harold Haralson, Tax Increment Finance (TIF) Oversight Committee Chair, felt the proposals for UNP can be compared to the Woodlands located outside of Houston, Texas, which attracts a lot of people. He said restaurants are located around water features, have open-air seating, and include an extensive area along the water feature that is very impressive. Dr. Haralson felt the Woodlands has an upscale concept which is similar to the vision and proposed aesthetic improvements for UNP.

Mayor Rosenthal asked for clarification regarding landscaping along the sidewalk from John Q. Hammons Hotel and Conference Center to the Lifestyle Center/Legacy Park and Mr. Collett said the intention is to make the mile loop of sidewalk wider. Mr. Tom McCaleb, SMC Consulting Engineers, engineer for the developer, said it was Staff's desire to create pedestrian activity at UNP and while there are walking trails and/or sidewalks throughout UNP; the main focus tonight is the walking trail from the hotel to Legacy Park. Mayor Rosenthal felt the sidewalk crossing from the hotels to the Town Center is a very important piece as it will draw people from the hotels to the shops and/or restaurants.

Councilmember Spaulding said he really liked the iconic tower and asked whether the flame on the tower can be converted to electric if (gas) fuel costs go too high. Mr. Collett felt the tower would need to be built in a way that it could have either gas or electric fuel. Councilmember Castleberry asked if the UNP would have a tenant association that would address and cover the maintenance and fuel costs for the tower and Mr. Collett answered in the affirmative.

Councilmember Gallagher asked if the 50-foot wall would be a sheer/smooth wall so that people will not be tempted to climb it and Mr. Collett said the proposed wall is fairly sheer/smooth.

Mr. Bobby Stevens, Post Office Box 6226, asked the size and cost of the jogging trail and Ms. Kathryn Walker, Assistant City Attorney, said it would be eight feet wide and cost approximately $260,000 which also includes landscaping.

Ms. Joy Hampton, The Norman Transcript, asked if the proposed sidewalk trail around the detention pond would be American Disability Act (ADA) accessible to the park and Mr. Collett and Staff said yes.

Mr. Collett said it is important to build the main entry to show the present businesses that UNP is serious about creating a great atmosphere and to attract future businesses. Mayor Rosenthal felt it was important to get the gateways done and gather input from other Councilmembers as well as the TIF Oversight Committee. She suggested sending today's Powerpoint presentation to Council and the TIF Oversight Committee.

Mr. Bryant said if Council chooses to accept the concepts presented today, Staff will take the proposed concepts to the next TIF Oversight Committee meeting as well as attempt to have more solid cost numbers for budgetary purposes. He said the process may include another Development Agreement stating who pays for what, who shares what, etc.

Items submitted for the record

1. Memorandum dated March 7, 2013, from Kathryn L. Walker, Assistant City Attorney, through Jeff H. Bryant, City Attorney, to Honorable Mayor and Councilmembers
2. PowerPoint presentation entitled "University Town Center at University Northpark"

Participants in discussion

1. Mr. Jeff Bryant, City Attorney
2. Mr. Robert Collett, Collett & Associates
3. Mr. Tom McCaleb, SMC Consulting Engineers

The meeting adjourned at 6:20 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL MINUTES
NORMAN UTILITIES AUTHORITY MINUTES
NORMAN MUNICIPAL AUTHORITY MINUTES
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES

March 12, 2013

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building on the 12th day of March, 2013, at 6:30 p.m., and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray and at the Norman Public Library at 225 North Webster 24 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Castleberry, Gallagher, Jungman, Lockett, Spaulding, Williams, Mayor Rosenthal
ABSENT:	Councilmembers Griffith and Kovach

The Pledge of Allegiance was led by Mayor Rosenthal.

* * * * *

Item 3, being:

CONSENT DOCKET

Councilmember Spaulding moved that Item 4 through Item 27 excluding Items 5, 23, and 25 be placed on the consent docket by unanimous vote, which motion was duly seconded by Councilmember Gallagher; and the question being upon the placement on the consent docket by unanimous vote of Item 4 through Item 27 excluding Items 5, 23, and 25, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Item 4 through Item 27 excluding Items 5, 23, and 25 were placed on the consent docket by unanimous vote.

* * * * *

Item 4, being:

APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL BUSINESS AND COMMUNITY AFFAIRS COMMITTEE MINUTES OF FEBRUARY 7, 2013
CITY COUNCIL OVERSIGHT COMMITTEE MINUTES OF FEBRUARY 13, 2013
CITY COUNCIL STUDY SESSION MINUTES OF FEBRUARY 19, 2013
CITY COUNCIL MINUTES OF FEBRUARY 26, 2013
NORMAN UTILITIES AUTHORITY MINUTES OF FEBRUARY 26, 2013
NORMAN MUNICIPAL AUTHORITY MINUTES OF FEBRUARY 26, 2013
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF FEBRUARY 26, 2013

Acting as the City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority, Councilmember Spaulding moved that the minutes be approved and the filing thereof be directed, which motion was duly seconded by Councilmember Gallagher;

Items submitted for the record

1. Text File No. GID-1213-58 dated March 4, 2013, by Brenda Hall, City Clerk
2. City Council Business and Community Affairs Committee minutes of February 7, 2013
3. City Council Oversight Committee minutes of February 13, 2013
4. City Council Study Session minutes of February 19, 2013
5. City Council minutes of February 26, 2013
6. Norman Utilities Authority minutes of February 26, 2013
7. Norman Municipal Authority minutes of February 26, 2013
8. Norman Tax Increment Finance Authority minutes of February 26, 2013

Item 4, continued:

and the question being upon approving the minutes and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the minutes approved; and the filing thereof was directed.

* * * * *

Item 5, being:

CONSIDERATION OF ORDINANCE NO. O-1112-36 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE SOUTHEAST QUARTER OF SECTION 25 OF TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT AND REMOVE THE SAME FROM THE R-1, SINGLE FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1515 WEST MAIN STREET)

Councilmember Spaulding moved that Ordinance No. O-1112-36 upon First Reading by title be postponed until March 26, 2013, which motion was duly seconded by Councilmember Jungman;

Items submitted for the record

1. Text File No. O-1112-36 dated April 17, 2013, by Jane Hudson, Principal Planner
2. Ordinance No. O-1112-36
3. Planned Unit Development Narrative prepared for Rose Rock School Foundation February, 2013 by Jack Eure, Architect with site plan
4. Location map
5. Staff Report dated May 10, 2012, recommendation approval
6. Planned Unit Development Narrative prepared for Rose Rock School Foundation May 2, 2012, by Jack Eure, Architect with site plan
7. Protest and support map containing 38.9% filed protest and 0.9% support within notification area
8. Letter of support filed May 7, 2012, from Sara Warmker
9. Letter of protest filed May 7, 2012, from Jim and Deanna Miller
10. Letter of protest filed May 7, 2012, from Marcheta J. Rodkey to Planning Commission
11. Letter of protest filed April 24, 2012, from Colette Fudge to City Clerk and Planning Commission
12. Letter of protest filed May 7, 2012, from Debbie C. Raison to City of Norman Planning Commission
13. Letter of protest filed May 7, 2012, from Thomas G. Kennedy to Planning and Community Development Department
14. Letter of protest filed May 7, 2012, from Mary Joe Holman to Planning and Community Development Department
15. Letter of protest filed May 7, 2012, from Cristi Miles-Bullard
16. Letter of protest filed May 7, 2012, from Dorothy Coker to City Clerk
17. Letter of protest filed May 7, 2012, from Robert and Libbi Holbrook to Norman Planning Commission
18. Letter of protest filed May 7, 2012, from Glen and Donna Giles to Norman Planning Commission
19. Letter of protest filed May 7, 2012, from Wanda Helms to Norman Planning Commission
20. Letter of protest filed May 7, 2012, from L. Dee Fink to Norman Planning Commission
21. Letter of protest filed May 7, 2012, from Robert R. and Patricia Sullivan to Norman Planning Commission
22. Letter of protest filed May 7, 2012, from Jean C. Holland to Norman Planning Commission
23. Letter of protest filed May 7, 2012, from Arletta Knight Fink to Norman Planning Commission

Item 5, continued:

Items submitted for the record, continued

24. Letter of protest filed May 7, 2012, from Robert J. Kopecky to Norman Planning Commission
25. Letter of protest filed May 7, 2012, from Ruth Medford to Norman Planning Commission
26. Letter of protest filed May 7, 2012, from Phyllis V. Gage to Norman Planning Commission
27. Letter of protest filed May 7, 2012, from Becky Shaw to Norman Planning Commission
28. Petition of protest filed May 7, 2012, containing 56 signatures
29. Pertinent excerpts from Planning Commission minutes of May 10, 2012
30. Letter requesting postponement dated March 12, 2013, from R. Blaine Nice, Fellers Snider, Attorneys and Counselors at Law, to Ms. Brenda Hall, City Clerk

and the question being upon postponing Ordinance No. O-1112-36 upon First Reading by title until March 26, 2013, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1112-36 was postponed upon First Reading by title until March 26, 2013.

* * * * *

Item 6, being:

CONSIDERATION OF ORDINANCE NO. O-1213-30 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE LOTS 37 AND 38, BLOCK 3, LARSH'S UNIVERSITY ADDITION TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT WITH SPECIAL USE FOR A BAR, LOUNGE OR TAVERN, AND REMOVE THE SAME FROM THE RO, RESIDENCE-OFFICE DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (768 SOUTH JENKINS AVENUE)

Councilmember Spaulding moved that Ordinance No. O-1213-30 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Gallagher;

Items submitted for the record

1. Text File No. O-1213-30 dated January 22, 2013, by Jane Hudson, Principal Planner
2. Ordinance No. O-1213-30
3. Location map
4. Staff Report dated February 14, 2013, recommending denial
5. Aerial photograph
6. Protest map containing 4.5% protest within notification area
7. Letter of protest filed February 8, 2013, from Alan L. Starz, Chief Operating Officer, Keith F. Walker Oil and Gas Company, L.L.C., to Planning Commission
8. Pertinent excerpts from Planning Commission minutes of February 14, 2013

and the question being upon the Introduction and adoption of Ordinance No. O-1213-30 upon First Reading by title, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1213-30 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 7, being:

CONSIDERATION OF ORDINANCE NO. O-1213-31 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 422.1 (AMENDMENTS) OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO ALLOW CONCURRENT SUBMITTAL OF PRE-DEVELOPMENT AND PLANNING COMMISSION APPLICATIONS; REGULATING TIME BETWEEN PRE-DEVELOPMENT AND PLANNING COMMISSION MEETINGS; SPECIFYING NOTICE REQUIREMENTS AND CLARIFYING OTHER SUBMITTAL REQUIREMENTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Councilmember Spaulding moved that Ordinance No. O-1213-31 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Gallagher;

Items submitted for the record
1. Text File No. O-1213-31 dated January 22, 2013, by Susan Connors, Director of Planning and Community Development
2. Ordinance No. O-1213-31
3. Legislatively notated copy of Ordinance No. O-1213-31
4. Staff Report dated February 14, 2013, recommending approval
5. Pertinent excerpts from Planning Commission minutes of February 14, 2013
6. Pertinent excerpts from City Council Business and Community Affairs meeting of February 7, 2013

and the question being upon the Introduction and adoption of Ordinance No. O-1213-31 upon First Reading by title, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1213-31 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 8, being:

CONSIDERATION OF ORDINANCE NO. O-1213-32 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE I, SECTION 19-104; ARTICLE II, SECTIONS 19-201, 19-202 AND 19-204; ARTICLE III, SECTIONS 19-301, 19-302, 19-307 TO 19-319; AND ARTICLE VI, SECTION 19-602 AND 19-606 AND ADDING ARTICLE III, SECTION 19-320 TO EXTEND THE VALIDITY PERIOD OF PRELIMINARY PLATS AND TO ESTABLISH FEES THEREFORE; TO REMOVE THE REQUIREMENT FOR PLANNING COMMISSION APPROVAL OF FINAL PLATS; TO AMEND THE DEVELOPMENT APPLICATION PROCESS; AND TO REMOVE THE REQUIREMENT FOR PRE-DEVELOPMENT MEETING FOR PROPERTIES SUBDIVIDED BY CERTIFICATE OF SURVEY; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Councilmember Spaulding moved that Ordinance No. O-1213-32 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Gallagher;

Items submitted for the record
1. Text File No. O-1213-32 dated January 22, 2013, by Terry Floyd, Development Coordinator
2. Ordinance No. O-1213-32
3. Legislatively notated copy of Ordinance No. O-1213-32
4. Staff Report dated March 14, 2013, recommending approval
5. Pertinent excerpts from Planning Commission minutes of March 14, 2013
6. Pertinent excerpts from City Council Business and Community Affairs meeting of February 7, 2013

Item 8, continued:

and the question being upon the Introduction and adoption of Ordinance No. O-1213-32 upon First Reading by title, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1213-32 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 9, being:

CONSIDERATION OF ORDINANCE NO. O-1213-33 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE II, CHAPTER 5, OF THE CODE OF THE CITY OF NORMAN BY DELETING SECTION 5-206 WHICH DESIGNATES THE FIRE LIMIT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Councilmember Spaulding moved that Ordinance No. O-1213-33 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Gallagher;

Items submitted for the record
1. Text File No. O-1213-33 dated February 25, 2013, by Susan Connors, Director of Planning and Community Development
2. Ordinance No. O-1213-33
3. Legislatively notated copy of Ordinance No. O-1213-33
4. Location map

and the question being upon the Introduction and adoption of Ordinance No. O-1213-33 upon First Reading by title, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1213-33 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 10, being:

CONSIDERATION OF ORDINANCE NO. O-1213-38 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE XII, SECTION 431.6, AND ARTICLE XIV, SECTION 450(51) OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN TO MODIFY THE COMMERCIAL OUTDOOR LIGHTING STANDARDS ORDINANCE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Councilmember Spaulding moved that Ordinance No. O-1213-38 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Gallagher;

Items submitted for the record
1. Text File No. O-1213-38 dated February 14, 2013, by Susan Connors, Director of Planning and Community Development
2. Ordinance No. O-1213-38
3. Legislatively notated copy of Ordinance No. O-1213-38
4. Staff Report dated March 14, 2013, recommending approval
5. Pertinent excerpts from Planning Commission minutes of March 14, 2013
6. Pertinent excerpts from City Council Oversight meeting of February 13, 2013

Item 10, continued:

and the question being upon the Introduction and adoption of Ordinance No. O-1213-38 upon First Reading by title, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1213-38 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 11, being:

CONSIDERATION OF THE MAYOR'S APPOINTMENTS AS FOLLOWS:

BICYCLE ADVISORY COMMITTEE
TERM: 03-12-13 TO 02-13-16: KATHLEE WIETERS, 1321 LINDALE AVENUE
TERM: 02-13-13 TO 02-13-16: DAVID HUDDLESTON, 771 NEBRASKA STREET
TERM: 02-13-13 TO 02-13-16: MICHELLE CARR, 1319 ANN ARBOR DRIVE

BOARD OF APPEALS
TERM 02-03-13 TO 02-03-17: BILL FORESTER, 4005 INNSBROOK COURT
TERM 02-03-13 TO 02-03-17: GAIL ARMSTRONG, 1418 ASPEN LANE

CITIZENS WASTEWATER OVERSIGHT COMMITTEE
TERM 03-12-13 TO 11-27-14: JOHN SCOTT GREENE, 333 EMELYN STREET

GREENBELT COMMISSION
TERM 03-12-13 TO 07-13-15: STEVE BYAS, 2804 DALEWOOD TERRACE

PUBLIC SAFETY OVERSIGHT COMMITTEE
TERM: 02-10-13 TO 02-10-16: MALAKA ELYAZGI, 1701 OAKHURST AVENUE
TERM: 02-10-13 TO 02-10-16: KEITH ALLEN, 1605 PICKARD AVENUE
TERM: 02-10-13 TO 02-10-16: EDDIE SIMS, 1021 GOLDEN EAGLE DRIVE

TREE BOARD
TERM 03-12-13 TO 05-14-15: CYNTHIA DECKARD, 3412 BEAR MOUNTAIN DR.

Councilmember Spaulding moved that the appointments be confirmed, which motion was duly seconded by Councilmember Gallagher; and the question being upon confirming the appointments, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the appointments were confirmed.

* * * * *

Item 12, being:

CONSIDERATION OF REQUEST FOR PROPOSAL NO. RFP-1213-46; CONTRACT NO. K-1213-174 WITH TRANS-TEL CENTRAL, INC. IN THE AMOUNT OF $284,200; PERFORMANCE BOND NO. B-1213-68; STATUTORY BOND NO. B-1213-69; MAINTENANCE BOND NO. MB-1213-59; AND RESOLUTION NO. R-1213-104 FOR THE FIRE STATION NO. NINE FIBER OPTIC CABLING COMMUNICATIONS PROJECT AND BUDGET TRANSFER.

Councilmember Spaulding moved that Request for Proposal No. RFP-1213-46 be accepted; Contract No. K-1213-174 with Trans-Tel Central, Inc., in the amount of $284,200 and the performance, statutory, and maintenance bonds be approved; execution of the contract be authorized; the filing of the bonds be directed; Resolution No. R-1213-104 be adopted; and $40,000 be transferred from Project No. TC0230, Traffic Calming, Construction (050-9073-431.61-01) to PSST Computer Hardware Public Safety Sales Tax Fund, Computer Hardware (015-6543-422.53-01), which motion was duly seconded by Councilmember Gallagher;

Items submitted for the record

1. Text File No. K-1213-174 dated February 28, 2013, by Kari Madden, Network Manager
2. Contract No. K-1213-174
3. Performance Bond No. B-1213-68
4. Statutory Bond No. B-1213-69
5. Maintenance Bond No. MB-1213-59
6. Resolution No. R-1213-104
7. Purchase Requisition No. 0000213993 dated March 5, 2013, in the amount of $284,200 to Trans-Tel Central, Inc.

and the question being upon accepting Request for Proposal No. RFP-1213-46 and upon the subsequent approval, authorization, directive, adoption, and transfer, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Request for Proposal No. RFP-1213-46 accepted; Contract No. K-1213-174 with Trans-Tel Central, Inc., in the amount of $284,200 and the performance, statutory, and maintenance bonds were approved; execution of the contract was authorized; the filing of the bonds was directed; Resolution No. R-1213-104 was adopted; and $40,000 was transferred from Project No. TC0230, Traffic Calming, Construction (050-9073-431.61-01) to PSST Computer Hardware Public Safety Sales Tax Fund, Computer Hardware (015-6543-422.53-01).

* * * * *

Item 13, being:

CONSIDERATION OF REQUEST FOR PROPOSAL NO. RFP-1213-48 FROM WXLINE IN THE AMOUNT OF $70,665 FOR THE PURCHASE OF LIGHTNING DETECTION SYSTEMS FOR GRIFFIN, REAVES AND WESTWOOD PARKS.

Councilmember Spaulding moved that Request for Proposal No. RFP-1213-48 from WXLine in the amount of $70,665 be accepted, which motion was duly seconded by Councilmember Gallagher;

Items submitted for the record

1. Text File No. RFP-1213-48 dated March 1, 2013, by Jud Foster, Director of Parks and Recreation
2. Tabulation of Proposals dated February 28, 2013, for Lightning Detection Systems for Griffin, Reaves, and Westwood Parks
3. Quotation No. CZ300113A5 dated January 30, 2013, from Christoph Zimmermann, President, WXLine, in the amount of $67,765, to City of Norman
4. Quotation No. CZ300113A6 dated January 30, 2013, from Christoph Zimmermann, WXLine, in the amount of $2,900 to City of Norman
5. Purchase Requisition No. 0000213902 dated February 28, 2013, in the amount of $70,665 to WXLine, L.L.C.

Participants in discussion

1. Mr. Jud Foster, Director of Parks and Recreation

Item 13, continued:

and the question being upon accepting Request for Proposal No. RFP-1213-48 from WXLine in the amount of $70,665, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Request for Proposal No. RFP-1213-48 from WXLine in the amount of $70,665 was accepted.

* * * * *

Item 14, being:

CONSIDERATION OF AWARDING OF BID NO. 1213-52, THE NORMAN UTILITIES AUTHORITY'S APPROVAL OF CONTRACT NO. K-1213-92 WITH MATTHEWS TRENCHING COMPANY, INC., IN THE AMOUNT OF $1,256,224.50; PERFORMANCE BOND NO. B-1213-38; STATUTORY BOND NO. B-1213-39, AND MAINTENANCE BOND NO. MB-1213-29 FOR THE HIGH PRESSURE PLANE WATER LINE IMPROVEMENT PROJECT; AND BUDGET TRANSFER.

Acting as the Norman Utilities Authority, Trustee Spaulding moved that all bids meeting specifications be accepted; the bid in the amount of $1,256,224.50 be awarded to Matthews Trenching Company, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1213-92 and the performance, statutory, and maintenance bonds be approved; execution of the contract and the Norman Utilities Authority to pay vendors for equipment and supplies as directed by the contract be authorized; the filing of the bonds be directed; and $36,614 be transferred from Project No. WA0131, High Pressure Plane Upgrade, Land (031-9353-462.60-01) and $446,536 from Construction (031-9353-462.61-01) and $800,000 be transferred from Project No. WB0184, 24-inch Waterline Segment D, Construction (031-9360-462.61-01) to Project No. WB0131, HPP Waterline Replacement, Construction (031-9353-462.61-01), which motion was duly seconded by Trustee Gallagher;

Items submitted for the record

1. Text File No. K-1213-92 dated February 26, 2013, by Mark Daniels, Utilities Engineer
2. Tabulation of Bids dated February 21, 2013, for the High Pressure Plane Water Line Improvements Project
3. Contract No. K-1213-92
4. Performance Bond No. B-1213-38
5. Statutory Bond No. B-1213-39
6. Maintenance Bond No. MB-1213-29
7. Letter dated February 22, 2013, from Ethan J.L. Edwards, P.E., Tulsa Division Manager/Project Manager, Professional Engineering Consultants, P.A.
8. Engineers Recommendation from Professional Engineering Consultants, P.A.
9. Location map
10. Purchase Requisition No. 0000214091 dated March 6, 2013, in the amount of $1,256,224.50 to Matthews Trenching Company, Inc.

Participants in discussion

1. Mr. Mark Daniels, Utilities Engineer
2. Mr. Anthony Francisco, Director of Finance
3. Mr. Jeff Bryant, City Attorney
4. Mr. Shawn O'Leary, Director of Public Works
5. Mr. Bobby Stevens, Post Office Box 6226, asked questions

and the question being upon accepting all bids meeting specifications and upon the subsequent awarding of the bid, approval, authorization, directive, and transfer, a vote was taken with the following result:

YEAS:	Trustees Castleberry, Gallagher, Jungman, Lockett, Spaulding, Williams, Chairman Rosenthal
NAYES:	None

Item 14, continued:

The Chairman declared the motion carried and all bids meeting specifications accepted; the bid in the amount of $1,256,224.50 was awarded to Matthews Trenching Company, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1213-92 and the performance, statutory, and maintenance bonds were approved; execution of the contract and the Norman Utilities Authority to pay vendors for equipment and supplies as directed by the contract were authorized; the filing of the bonds was directed; and $36,614 was transferred from Project No. WA0131, High Pressure Plane Upgrade, Land (031-9353-462.60-01) and $446,536 from Construction (031-9353-462.61-01) and $800,000 was transferred from Project No. WB0184, 24-inch Waterline Segment D, Construction (031-9360-462.61-01) to Project No. WB0131, HPP Waterline Replacement, Construction (031-9353-462.61-01).

* * * * *

Item 15, being:

SUBMISSION OF WATER LINE PERMIT NO. WL000014113099 ISSUED BY THE STATE OF OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY (ODEQ) FOR THE HIGH PRESSURE PLANE WATER LINE REPLACEMENTS PROJECT.

Councilmember Spaulding moved that receipt of the permit be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Gallagher;

Items submitted for the record

1. Text File No. GID-1213-29 dated February 26, 2013, by Mark Daniels, Utilities Engineer
2. Letter dated February 7, 2013, from Robert B. Walker, Construction Permit Section, Water Quality Division, Oklahoma Department of Environmental Quality, to Mark Daniels, P.E., Utilities Engineer, City of Norman d/b/a Norman Utilities Authority
3. Oklahoma Department of Environmental Quality Permit to Construction, Water Line Permit No. WL000014130099, PWSID No. 1020801
4. Location map

and the question being upon acknowledging receipt of the permit and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and receipt of the permit acknowledged; and the filing thereof was directed.

* * * * *

Item 16, being:

CONSIDERATION OF AUTHORIZATION FOR THE PURCHASE OF BLEACHERS FROM BSN SPORTS IN THE AMOUNT OF $49,920 AS PART OF THE GRIFFIN PARK BLEACHERS REPLACEMENT PROJECT.

Councilmember Spaulding moved that authorization for the purchase of bleachers in the amount of $49,920 from BSN Sports as part of the Griffin Park Bleachers Replacement Project be approved, which motion was duly seconded by Councilmember Gallagher;

Items submitted for the record

1. Text File No. GID-1213-63 dated February 28, 2013, by Jud Foster, Director of Parks and Recreation
2. Tabulation of Bid Quotes dated February 25, 2013, for Griffin Park Bleachers Replacement Project
3. Quotation No. 20494230 dated February 7, 2013, from BSN Sports in the amount of $49,920 to City of Norman
4. Purchase Requisition No. 0000214031 dated March 5, 2013, in the amount of $49,920 to BSN Sports

Item 16, continued:

Participants in discussion
1. Mr. Jud Foster, Director of Parks and Recreation

and the question being upon approving authorization for the purchase of bleachers in the amount of $49,920 from BSN Sports as part of the Griffin Park Bleachers Replacement Project, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and authorization for the purchase of bleachers in the amount of $49,920 from BSN Sports as part of the Griffin Park Bleachers Replacement Project was approved.

* * * * *

Item 17, being:

CONSIDERATION OF THE DECLARATION OF EQUIPMENT AT THE WATER RECLAMATION FACILITY AS SURPLUS AND/OR OBSOLETE AND AUTHORIZATION OF THE SALE THEREOF.

Councilmember Spaulding moved that the equipment be declared to be surplus and/or obsolete and the sale thereof be authorized, which motion was duly seconded by Councilmember Gallagher;

Items submitted for the record
1. Text File No. GID-1213-56 dated February 12, 2013, by Steve Hardeman, Water Reclamation Facility Superintendent
2. Inventory of Goods to be Auctioned
3. Photographs of equipment to be auctioned

and the question being upon declaring equipment to be surplus and/or obsolete and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the equipment declared to be surplus and/or obsolete; and the sale thereof was authorized.

* * * * *

Item 18, being:

CONSIDERATION OF ACCEPTANCE OF A GRANT FROM THE OKLAHOMA OFFICE OF HOMELAND SECURITY IN THE AMOUNT OF $3,508.10 TO BE USED BY THE FIRE DEPARTMENT TO PURCHASE EQUIPMENT NEEDED BY EMERGENCY RESPONSE VOLUNTEERS AND THE CLEVELAND COUNTY MEDICAL RESERVE CORPS TO SUPPORT COMMUNITY EVENTS AND DISASTER RESPONSE.

Councilmember Spaulding moved that a grant from the Oklahoma Office of Homeland Security in the amount of $3,508.10 be accepted, Other Revenue: Emergency Management Grant (022-0000-331.13-60) be increased by $3,508.10, and $3,508.10 be appropriated to Project GF0069, Emergency Management/C Corps designating $2,555.58 to Minor Tools (022-9508-422.36-10); $118.52 to Express and Freight (022-9508-422.47-02); $600 to Temporary Employment (022-9508-422.41-01) and $234 to Workshops and Seminars (022-9508-422.46-04), which motion was duly seconded by Councilmember Gallagher;

Item 18, continued:

Items submitted for the record
1. Text File No. GID-1213-115 dated February 28, 2013, by David Grizzle, Emergency Management Coordinator
2. Sub-Grantee Award No. 280.541 in the amount of $3,508.10 from the Oklahoma Office of Homeland Security to Steve Lewis, City Manager, City of Norman with Schedule "A", memorandum dated February 28, 2013, from Kim Edd Carter, Director, Director, State of Oklahoma Office of Homeland Security, to Steve Lewis, City Manager, City of Norman

and the question being upon accepting a grant from the Oklahoma Office of Homeland Security in the amount of $3,508.10 and upon the subsequent increase and appropriation, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and a grant from the Oklahoma Office of Homeland Security in the amount of $3,508.10 accepted; and Other Revenue: Emergency Management Grant (022-0000-331.13-60) was increased by $3,508.10 and $3,508.10 was appropriated to Project GF0069, Emergency Management/C Corps designating $2,555.58 to Minor Tools (022-9508-422.36-10); $118.52 to Express and Freight (022-9508-422.47-02); $600 to Temporary Employment (022-9508-422.41-01) and $234 to Workshops and Seminars (022-9508-422.46-04).

* * * * *

Item 19, being:

SPECIAL CLAIM NO. SC-1213-8: SUBMITTED BY CHEONG ONG ON BEHALF OF HIS SON, JOHNSON ONG, IN THE AMOUNT OF $1,698.07 FOR DAMAGES TO HIS VEHICLE DUE TO AN ACCIDENT WITH AN ENGINEERING DIVISION VEHICLE IN THE 1800 BLOCK OF WEST LINDSEY STREET.

Councilmember Spaulding moved that Special Claim No. SC-1213-8 be approved and payment in the amount of $1,698.07 be directed contingent upon obtaining a Release and Covenant Not to Sue from Cheong Ong, which motion was duly seconded by Councilmember Gallagher;

Items submitted for the record
1. Text File No. SC-1213-8 dated February 26, 2013, by Jeanne Snider, Assistant City Attorney
2. Memorandum dated December 17, 2012, from Brenda Hall, City Clerk, to Shawn O'Leary, Director of Public Works, and Jeff Bryant, City Attorney
3. Special Claim No. SC-1213-8 filed December 17, 2012, from Cheong Tai Ong
4. Estimate No. 246 dated October 21, 2012, from D-Marc Body Shop in the amount of $1,698.07 to Ong Johnson
5. Official Oklahoma Traffic Collision Report No. 2012-11124 dated August 13, 2012

and the question being upon approving Special Claim No. SC-1213-8 and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Special Claim No. SC-1213-8 approved; and payment in the amount of $1,698.07 was directed contingent upon obtaining a Release and Covenant Not to Sue from Cheong Ong.

* * * * *

Item 20, being:

AMENDMENT NO. THREE TO CONTRACT NO. K-0809-45: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND NEXTEL WEST CORPORATION TO REPLACE FAILED EQUIPMENT AS PART OF THE FREQUENCY CONFIGURATION AGREEMENT FOR THE 800 MEGAHERTZ (MHZ) COMMUNICATION SYSTEM AT NO COST TO THE CITY OF NORMAN.

Councilmember Spaulding moved that Amendment No. Three to Contract No. K-0809-45 with Nextel West Corporation be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Gallagher;

Items submitted for the record
1. Text File No. K-0809-45, Amendment No. Three, dated February 28, 2013, by Lance Terry, Communications Center Supervisor
2. Amendment No. Three to Contract No. K-0809-45 with Schedule C, Cost Estimate, Certified Request, and Schedule D, Loaned Reconfiguration Equipment, Replacement Equipment, and Replaced Equipment provided by Nextel, Motorola Schedule D Equipment, and Motorola Replaced Equipment

and the question being upon approving Amendment No. Three to Contract No. K-0809-45 with Nextel West Corporation and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Amendment No. Three to Contract No. K-0809-45 with Nextel West Corporation approved; and the execution thereof was authorized.

* * * * *

Item 21, being:

AMENDMENT NO. ONE TO CONTRACT NO. K-0910-123: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND T.F.R. ENTERPRISES, INC., AS A PRE-POSITIONED OR 'STAND BY' AGREEMENT THAT OBLIGATES CONTRACTOR TO PROVIDE CERTAIN DEBRIS CLEAN-UP REMOVAL SERVICES ON AN AS-NEEDED BASIS.

Councilmember Spaulding moved that Amendment No. One to Contract No. K-0910-123 with T.F.R. Enterprises, Inc., be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Gallagher;

Items submitted for the record
1. Text File No. K-0910-123, Amendment No. One, dated February 26, 2013, by Rick Schlechter, Stormwater Engineer, with Attachment A, unit prices of the four most costly items of work, and Attachment B, listing of storm events
2. Letter dated December 28, 2012, from Scott Sturtz, City Engineer, to Ms. Tiffany Wilkes, Contract Administrator, TFR Enterprises, Inc.
3. Amendment No. One to Contract No. K-0910-123
4. Contract No. K-0910-123 with Attachment A, Proposer's Bid Certification Form with Schedule 1, Hourly Equipment and Labor Price Schedule and Schedule 2, Unit Rate Price Schedule

and the question being upon approving Amendment No. One to Contract No. K-0910-123 with T.F.R. Enterprises, Inc., and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Amendment No. One to Contract No. K-0910-123 with T.F.R. Enterprises, Inc., approved; and the execution thereof was authorized.

* * * * *

Item 22, being:

AMENDMENT NO. ONE TO CONTRACT NO. K-0910-125: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND DRC EMERGENCY SERVICES, L.L.C., AS A PRE-POSITIONED OR 'STAND BY' AGREEMENT THAT OBLIGATES THE CONTRACTOR TO PROVIDE CERTAIN DEBRIS CLEAN-UP REMOVAL SERVICES ON AN AS-NEEDED BASIS.

Councilmember Spaulding moved that Amendment No. One to Contract No. K-0910-125 with DRC Emergency Services, L.L.C., be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Gallagher;

Items submitted for the record

1. Text File No. K-0910-125, Amendment No. One, dated February 26, 2013, by Rick Schlechter, Stormwater Engineer, with Attachment A, unit prices of the four most costly items of work, and Attachment B, listing of storm events
2. Letter dated December 28, 2012, from Scott Sturtz, City Engineer, to Ms. April Callaway, Senior Contracts Manager, DRC Emergency Services, L.L.C.
3. Letter dated January 7, 2013, from April R. Callaway, Senior Contracts Manager, DRC Emergency Services, L.L.C., to Mr. Scott Sturtz, P.E., City Engineer
4. Amendment No. One to Contract No. K-0910-125
5. Contract No. K-0910-125 with Attachment A, Proposer's Bid Certification Form with Schedule 1, Hourly Equipment and Labor Price Schedule and Schedule 2, Unit Rate Price Schedule

and the question being upon approving Amendment No. One to Contract No. K-0910-125 with DRC Emergency Services, L.L.C.,and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Amendment No. One to Contract No. K-0910-125 with DRC Emergency Services, L.L.C., approved; and the execution thereof was authorized.

* * * * *

Item 23, being:

CONTRACT NO. K-1213-167: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND MERCURY ASSOCIATES, INC., IN THE AMOUNT OF $53,580 TO PROVIDE FLEET MANAGEMENT SERVICE ANALYSIS FOR THE CITY OF NORMAN AND BUDGET APPROPRIATION.

Councilmember Spaulding moved Contract No. K-1213-167 with Mercury Associates, Inc., in the amount of $53,580 be approved; the execution thereof be authorized; and $53,580 be appropriated from Maintenance and Repair Services Excess (010-1010-413.42-98) to Project No. TC0022, Fleet Management Consulting Services, Professional Services/Consultant – Mgmt Services (010-1093-413.40-01), which motion was duly seconded by Councilmember Castleberry;

Items submitted for the record

1. Text File No. K-1213-167 dated February 26, 2013, by Mike White, Fleet Maintenance Superintendent
2. Contract No. K-1213-167 with Exhibit A, Scope of Services
3. Purchase Requisition No. 0000213969 dated March 4, 2013, in the amount of $53,580 to Mercury Associates, L.L.C.

Participants in discussion

1. Mr. Shawn O'Leary, Director of Public Works
2. Mr. Keith Humphrey, Police Chief
3. Mr. Steve Lewis, City Manager
4. Ms. Ann Gallagher, 1522 East Boyd Street, proponent

Item 23, continued:

and the question being upon approving Contract No. K-1213-167 with Mercury Associates, Inc., in the amount of $53,580 and upon the subsequent authorization and appropriation, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Contract No. K-1213-167 with Mercury Associates, Inc., in the amount of $53,580 approved; the execution thereof was authorized and $53,580 was appropriated from Maintenance and Repair Services Excess (010-1010-413.42-98) to Project No. TC0022, Fleet Management Consulting Services, Professional Services/Consultant – Mgmt Services (010-1093-413.40-01).

* * * * *

Item 24, being:

CONTRACT K-1213-169: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND ATKINS NORTH AMERICA, INC., IN AN AMOUNT NOT-TO-EXCEED $875,266.50 TO PROVIDE ENGINEERING DESIGN SERVICES FOR THE EAST 24TH AVENUE IMPROVEMENT PROJECT FROM LINDSEY STREET TO ROBINSON STREET AND BUDGET APPROPRIATION.

Councilmember Spaulding moved Contract No. K-1213-169 with Atkins North America, Inc., in the amount of $875,266.50 be approved; the execution thereof be authorized; and $875,266.50 be appropriated from the Capital Fund Balance (050-0000-253.20-00) to Project No. BP0192, 24th Avenue Widening Project, Design (050-9552-431.62-01), which motion was duly seconded by Councilmember Gallagher;

Items submitted for the record

1. Text File No. K-1213-169 dated February 25, 2013, by Josh Malwick, Capital Projects Engineer with Attachment A, Combined Storm Water/Transportation Improvements, General Obligation Bond Project (FYE 2013-2017), Cost Reduction with Federal Funding; Attachment B, Location map of bond projects; and Attachment C, location map of 24th Avenue Improvement Project from Lindsey Street to Robinson Street
2. Contract No. K-1213-169 with Attachment A, Scope of Services; Attachment B, Project Schedule; Attachment C, Compensation; and Attachment D, Owner's Responsibilities
3. Purchase Requisition No. 0000213467 dated February 19, 2013, in the amount of $875,266.50 to Atkins North America, Inc.

Participants in discussion

1. Mr. Shawn O'Leary, Director of Public Works

and the question being upon approving Contract No. K-1213-169 with Atkins North America, Inc., in the amount of $875,266.50 and upon the subsequent authorization and appropriation, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Contract No. K-1213-169 with Atkins North America, Inc., in the amount of $875,266.50 approved; the execution thereof was authorized and $875,266.50 be appropriated from the Capital Fund Balance (050-0000-253.20-00) to Project No. BP0192, 24th Avenue Widening Project, Design (050-9552-431.62-01).

* * * * *

Item 25, being:

CONTRACT NO. K-1213-175: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND WRIGHTSON, JOHNSON, HADDON AND WILLIAMS, INC., (WJHW) IN THE AMOUNT OF $44,800 TO PROVIDE DESIGN AND CONSULTANT SERVICES FOR THE COUNCIL CHAMBERS AUDIO VISUAL UPGRADE PROJECT AND BUDGET TRANSFER.

Councilmember Spaulding moved Contract No. K-1213-175 with WJHW in the amount of $44,800 be approved; the execution thereof be authorized; and $350,000.50 be transferred from Project No. TR0063, Bridge Replacement Franklin Road, Land (050-9352-431.60-01) to Project No. BG0027, Council Chambers, Audio/Visual Upgrade, Design designating $50,000 to Design (050-9365-419.62-01), and $300,000 to Construction (050-9365-419.61-01), which motion was duly seconded by Councilmember Gallagher;

Items submitted for the record
1. Text File No. K-1213-175 dated February 28, 2013, by Brenda Hall, City Clerk
2. Summary of Proposals dated February 28, 2013, for Council Chambers Audio Visual Upgrade Project
2. Contract No. K-1213-175 with Attachment A, Scope of Services and Attachment B, WJHW Proposal for City of Norman Council Chambers AV/Acoustics dated January 22, 2013

Participants in discussion
1. Ms. Brenda Hall, City Clerk
2. Mr. Bobby Stevens, Post Office Box 6226, proponent
3. Ms. Joy Hampton, The Norman Transcript, 215 East Comanche Street, asked questions

and the question being upon approving Contract No. K-1213-175 with WJHW in the amount of $44,800 and upon the subsequent authorization and transfer, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Contract No. K-1213-175 with WJHW in the amount of $44,800 approved; the execution thereof was authorized and $350,000.50 was transferred from Project No. TR0063, Bridge Replacement Franklin Road, Land (050-9352-431.60-01) to Project No. BG0027, Council Chambers, Audio/Visual Upgrade, Design designating $50,000 to Design (050-9365-419.62-01), and $300,000 to Construction (050-9365-419.61-01).

* * * * *

Item 26, being:

RESOLUTION NO. R-1213-105: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CHANGING THE STREET NAME IN ST. JAMES PARK, SECTION 3, FROM LONGWOOD LANE TO EVERTON LANE.

Councilmember Spaulding moved that Resolution No. R-1213-105 be adopted, which motion was duly seconded by Councilmember Gallagher;

Items submitted for the record
1. Text File No. R-1213-105 dated February 25, 2013, by Ken Danner, Subdivision Manager
2. Memorandum dated February 20, 2013, from Brenda Hall, City Clerk, to Ken Danner, Subdivision Manager
3. Letter of request dated February 20, 2013, form Don Cervi, Manager/Member, St. James Park, L.L.C., to City of Norman
4. Resolution No. R-1213-105
5. Location map

Item 26, continued:

and the question being upon adopting Resolution No. R-1213-105, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Resolution No. R-1213-105 was adopted.

* * * * *

Item 27, being:

RESOLUTION NO R-1213-106: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $357,863.00 FROM THE CAPITAL FUND BALANCE RECEIVED AS REIMBURSEMENT FROM THE OKLAHOMA DEPARTMENT OF TRANSPORTATION TO BE APPLIED TO THE ROBINSON STREET GRADE SEPARATION PROJECT CONSTRUCTION ACCOUNT.

Councilmember Spaulding moved that Resolution No. R-1213-106 be adopted, which motion was duly seconded by Councilmember Gallagher;

Items submitted for the record
1. Text File No. R-1213-106 dated February 26, 2013, by John Clink, Capital Projects Engineer, with Attachment A, Design Reimbursement
2. Resolution No. R-1213-106

and the question being upon adopting Resolution No. R-1213-106, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Resolution No. R-1213-106 was adopted.

* * * * *

Item 28, being:

CONSIDERATION OF A REVISED PRELIMINARY PLAT FOR ST JAMES PARK ADDITION. (GENERALLY LOCATED ON BOTH SIDES OF 24TH AVENUE S.E. BETWEEN STATE HIGHWAY 9 AND CEDAR LANE ROAD)

Councilmember Castleberry moved that the preliminary plat for St. James Park Addition be approved, which motion was duly seconded by Councilmember Gallagher;

Items submitted for the record
1. Text File No. PP-1213-12 dated January 22, 2013, by Ken Danner, Subdivision Manager with Attachment A, Project Traffic Impacts
2. Location map
3. Revised preliminary plat
4. Staff Report dated February 14, 2013, recommending approval
5. Development Review Form, Transportation Impacts, dated February 5, 2013, reviewed by David R. Riesland, P.E., Assistant City Traffic Engineer
6. Predevelopment Summary Case No. PD 12-35 dated December 20, 2012, for St. James Park, L.L.C., for property located north of Cedar Lane along 24th Avenue S.E.
7. Greenbelt Commission Final Comments
8. Pertinent excerpts from Planning Commission minutes of February 14, 2013

Item 28, continued:

Participants in discussion

1. Mr. Phil Hagen, Crafton Tull, 214 East Main Street, Oklahoma City, architect representing the applicant
2. Mr. Jay Cervi, 2613 Lauriston Drive, applicant
3. Mr. Stephen Tyler Holman, 1030 South College Avenue, asked questions
4. Mr. Shawn O'Leary, Director of Public Works
5. Mr. Bobby Stevens, Post Office Box 6226, asked questions

and the question being upon approving the preliminary plat for St. James Park Addition, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	Councilmember Jungman

The Mayor declared the motion carried and the preliminary plat for St. James Park Addition was approved.

* * * * *

MISCELLANEOUS DISCUSSION

Water Issues and Upcoming Water Meetings. Mr. Bobby Stevens, Post Office Box 6226, said Council needs to consider the water shortage before approving plats in the future. He said The Norman Transcript had published an article suggesting citizens with water wells should be monitored to show water usage because City wells and private wells were also affected by the low water table. He suggested photographs showing how much the water table had dropped at Lake Thunderbird be displayed at each City Council meeting. He felt citizens were unaware of the water problems Norman has and it is important for everyone to understand that this is a serious crisis.

Councilmember Castleberry announced the Strategic Water Supply Plan Public Meeting would be held Wednesday, March 13, 2013, at City Hall. He said these meetings are designed to provide information to the public about what the consultants are doing and to allow citizen input.

Mayor Rosenthal said the meeting will be held from 6:30 p.m. to 8:30 p.m. and is the long-term piece of water planning extending to 2060. She said it is extremely important for citizens to be engaged in this forum. She said Monday, April 1st is another Public Forum presented by Utilities Staff and members of the Environmental Control Advisory Board to provide short term solutions during the drought period ranging from ways to save water when taking care of the lawn, in the home, and during planting and replanting. She agreed with Mr. Stevens that a visual picture of the lake should be provided to the citizens. She said those who are not following mandatory water rationing procedures should be reminded to look at Lake Thunderbird.

*

God Bless Norman. Councilmember Spaulding said God Bless Norman.

*

Downtown Events. Councilmember Jungman said he attended the Downtown Art Walk on Friday, March 8th and it was a wonderful event. He thoroughly enjoyed how busy Main Street was and admired the infrastructure and improvements. He said there are many new businesses and commended the City and the business owners for their efforts.

*

Miscellaneous Discussion, continued:

CITY MANAGER'S REPORT

Comprehensive Transportation Plan Upate. The Comprehensive Transportation Plan Update was postponed which was originally scheduled during the Study Session on March 5th because the presenter had been unable to attend. It has been rescheduled for Tuesday, April 2, 2013.

Library Lighting Project. The Norman Public Library was constructed in 1965 and the lighting in the library has never been replaced or updated. He said $325,000 had been set aside over the last few years for these needed improvements. He said the Library Lighting Replacement Project is in the process and at this time the Lowry Room and meeting rooms are complete and the Children's area is underway. Mr. Lewis said citizens' patience is appreciated during this project.

Traffic Signal Projects. Three new traffic signal projects have recently been approved by City Council which are being funded 100% by Federal monies. These projects are located at the intersections of Jenkins Avenue and Brooks Street and Jenkins Avenue and Stinson Street and at 24th Avenue S.E. and Reagan Elementary School. He said the projects should be completed in the next few months.

Repairs to Bridges on I-35. Emergency repairs to the Lindsey Street overpass at I-35 began March 9th and should be completed tonight. Similar problems could evolve on the Indian Hills Road Bridge over I-35. City Staff is working to partner with the Oklahoma Department of Transportation (ODOT) for the funding for the Indian Hills Road Bridge Project. He said ODOT awarded the contract for repairs to the deck on March 4th and the City's share is $250,000 which is more than anticipated. He said this construction should begin this Spring.

* * * * *

ADJOURNMENT

There being no further business, Councilmember Gallagher moved that the meeting be adjourned, which motion was duly seconded by Councilmember Spaulding; and the question being upon adjournment of the meeting, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Jungman, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the meeting was adjourned at 8:25 p.m.

ATTEST:

City Clerk Mayor

City of Norman, OK

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: P-1213-12

File ID:	P-1213-12	**Type:**	Proclamation	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 4	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	02/28/2013
File Name:	Sexual Assault Awareness			**Final Action:**	

Title: PROCLAMATION NO. P-1213-12: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF APRIL, 2013, AS SEXUAL ASSAULT AWARENESS MONTH IN THE CITY OF NORMAN.

Notes: ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1213-12 proclaiming the month of April, 2013, as Sexual Assault Awareness Month in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

Agenda Date: 03/26/2013

Agenda Number: 4

Attachments: Sexual Assault Awareness Month

Project Manager: Brenda Hall, City Clerk

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File P-1213-12

P-1213-12

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF APRIL, 2013, AS SEXUAL ASSAULT AWARENESS MONTH IN THE CITY OF NORMAN.

§ 1. WHEREAS, sexual assault affects women, children, and men of all racial, cultural, and economic backgrounds; and

§ 2. WHEREAS, in addition to the immediate physical and emotional costs, sexual assault may also have associated consequences of post-traumatic stress disorder, substance abuse, depression, homelessness, eating disorders, and suicide; and

§ 3. WHEREAS, sexual assault can be devastating for not only the survivor, but also for the family and friends of the survivor; and

§ 4. WHEREAS, no one person, organization, agency, or community can eliminate sexual assault on their own, but we can work together to educate our entire population about what can be done to prevent sexual assault, support victims/survivors and their significant others, and increase support for agencies providing services to victims/survivors; and

§ 5. WHEREAS, Sexual Assault Awareness Month provides an excellent opportunity for citizens to learn more about preventing sexual violence.

NOW, THEREFORE, I, MAYOR OF THE CITY OF NORMAN, OKLAHOMA:

§ 6. Do hereby proclaim the month of April, 2013, as Sexual Assault Awareness Month in the City of Norman.

PASSED AND APPROVED this 26th day of March, 2013.

_____
Mayor

ATTEST:

_____
City Clerk

City of Norman, OK

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: P-1213-13

File ID:	P-1213-13	**Type:**	Proclamation	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 5	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	02/28/2013
File Name:	OU Staff Week			**Final Action:**	

Title: PROCLAMATION NO. P-1213-13: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE WEEK OF APRIL 22 THROUGH 26, 2013, AS OU STAFF WEEK IN THE CITY OF NORMAN.

Notes: ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1213-13 proclaiming the week of April 22 through 26, 2013, as OU Staff Week in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

Agenda Date: 03/26/2013

Agenda Number: 5

Attachments: OU Staff Week

Project Manager: Brenda Hall, City Clerk

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File P-1213-13

Proclamation

P-1213-13

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE WEEK OF APRIL 22 THROUGH 26, 2013, AS OU STAFF WEEK IN THE CITY OF NORMAN.

§ 1. WHEREAS, the staff of the University of Oklahoma play an essential role in the University community through their service to students, faculty, and the public; and

§ 2. WHEREAS, their accomplishments reflect honor on the City of Norman and contribute significantly to its quality of life; and

§ 3. WHEREAS, OU Staff Week is sponsored by the member groups and standing committees of the Staff Senate and this year's theme is *"Celebrating Sooner Spirit"*; and

§ 4. WHEREAS, the Norman community expresses great appreciation for the continued support of OU staff to the community.

NOW, THEREFORE, I, MAYOR OF THE CITY OF NORMAN, OKLAHOMA:

§ 5. Do hereby proclaim the week of April 22 through 26, 2013, as OU Staff Week in the City of Norman, Oklahoma, during which the University of Oklahoma Staff are entitled to all honors and privileges occurring thereto.

PASSED AND APPROVED this 26th day of March, 2013.

_____
Mayor

ATTEST:

_____
City Clerk

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: P-1213-14

File ID:	P-1213-14	**Type:**	Proclamation	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 6	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	03/14/2013
File Name:	Fair Housing Month			**Final Action:**	

Title: PROCLAMATION NO. P-1213-14: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF APRIL, 2013, AS FAIR HOUSING MONTH IN THE CITY OF NORMAN.

Notes: ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1213-14 proclaiming the month of April, 2013, as Fair Housing Month in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

Agenda Date: 03/26/2013

Agenda Number: 6

Attachments: Fair Housing Month

Project Manager: Linda Price, Revitalization Manager

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File P-1213-14

Proclamation

P-1213-14

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF APRIL, 2013, AS FAIR HOUSING MONTH IN THE CITY OF NORMAN.

§ 1. WHEREAS, fair housing is the law of the State of Oklahoma and is consistent with the principle of equality and justice for all; and

§ 2. WHEREAS, the freedom to choose a dwelling has been one held precious in America through the centuries; and

§ 3. WHEREAS, equal housing opportunity is a right guaranteed to all Americans under Title VIII of the 1968 Civil Rights Act; and

§ 4. WHEREAS, April 2013 marks the 45th anniversary of the Federal Fair Housing Law, also known as Title VIII of the Civil Rights Act of 1968.

§ 5. WHEREAS, this month of April symbolizes a significant milestone for all Americans to rededicate themselves to this country and the State of Oklahoma's underlying premise that all citizens be guaranteed freedom of choice, and the State publicly reaffirms its public policy to eliminate all vestiges of housing discrimination wherever they exist; and

§ 6. WHEREAS, Oklahoma's housing industry and governmental entities are united in the common goal of providing safe and sanitary housing for all, without regard to race, color, religion, sex, national origin, age or handicap, or familial status.

NOW, THEREFORE, I, MAYOR OF THE CITY OF NORMAN, OKLAHOMA:

§ 7. Do hereby proclaim the month of April, 2013, as Fair Housing Month.

PASSED AND APPROVED this 36th day of March, 2013.

_____
Mayor

ATTEST:

_____
City Clerk

City of Norman, OK

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: P-1213-15

File ID:	P-1213-15	**Type:**	Proclamation	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 7	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	03/19/2013
File Name:	Service Recognition Day			**Final Action:**	

Title: PROCLAMATION NO. P-1213-15: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING TUESDAY, APRIL 9, 2013, AS SERVICE RECOGNITION DAY IN THE CITY OF NORMAN.

Notes: ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1213-15 proclaiming Tuesday, April 9, 2013, as Service Recognition Day in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

Agenda Date: 03/26/2013

Agenda Number: 7

Attachments: Service Recognition Day

Project Manager: Brenda Hall, City Clerk

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File P-1213-15

Proclamation

P-1213-15

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING TUESDAY, APRIL 9, 2013, AS SERVICE RECOGNITION DAY IN THE CITY OF NORMAN.

§ 1. WHEREAS, service to others is a hallmark of the American character and central to how we meet our challenges; and

§ 2. WHEREAS, volunteerism is a cost-effective strategy to meet the needs of the community; and

§ 3. WHEREAS, Senior Corps as part of the Retired Senior Volunteer Program (RSVP) addresses the most pressing challenges facing our community from educating students for the jobs of the 21st century and supporting veterans and military families to preserving the environment and helping communities recover from natural disasters; and

§ 4. WHEREAS, service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

§ 5. WHEREAS, in Norman, RSVP volunteers have served 13,157 hours in 116 jobs and are supporting 31 partner agencies; and

§ 6. WHEREAS, service represents a unique public-private partnership that invests in community solutions and leverages resources to strengthen community impact; and

§ 7. WHEREAS, RSVP volunteers demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors.

NOW, THEREFORE, I, MAYOR OF THE CITY OF NORMAN, OKLAHOMA:

§ 8. Do hereby proclaim Tuesday, April 9, 2013, as Service Recognition Day in the City of Norman and encourage residents to recognize the positive impact of all types of service in our city, to thank those who serve; and to find ways to give back to their communities.

PASSED AND APPROVED this 26th day of March, 2013.

_____
Mayor

ATTEST:

_____
City Clerk

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: O-1112-36

File ID: O-1112-36 **Type:** Ordinance **Status:** Consent Item

Version: 1 **Reference:** Item No. 9 **In Control:** City Council

Department: Planning and Community Development Department **Cost:** **File Created:** 04/17/2012

File Name: Rose Rock School Rezoning **Final Action:**

Title: CONSIDERATION OF ORDINANCE NO. O-1112-36 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE SOUTHEAST QUARTER OF SECTION 25 OF TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT AND REMOVE THE SAME FROM THE R-1, SINGLE FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1515 WEST MAIN STREET)

Notes: ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1112-36 upon First Reading by title.

ACTION TAKEN: _____

Agenda Date: 03/26/2013

Agenda Number: 9

Attachments: Text File Rose Rock, O-1112-36 Rose Rock, Rose Rock Pud Narrative February 2013, Rose Rock School Rezone Location Map, Rose Rock School PUD Staff Report, Rose Rock PUD Narrative May 2012, Rose Rock Site Plan Submitted to PC May 2012, Rose Rock Protest Map, Protest Letters Rose Rock School, 5-10-12 PC Minutes - Rose Rock School, Letter requesting postponement Rose Rock

Project Manager: Jane Hudson, Principal Planner

Entered by: rone.tromble@normanok.gov **Effective Date:**

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	05/10/2012					
1	City Council	03/12/2013	Postponed				Pass
	Action Text:	Postponed until March 26, 2013					

1	Planning Commission	05/10/2013	Recommended for Adoption at a subsequent City Council Meeting	City Council	Fail

Action Text: Recommended for Rejection

Text of Legislative File O-1112-36

Body

SYNOPSIS: The house located at 1515 West Main Street was purchased so that a new Waldorf based educational system school could be established on-site, Rose Rock School. The current zoning for the site is R-1, Single-Family Dwelling District. The R-1, Single-Family Dwelling District will allow the site to be used as a school as long as a Special Use request for a school is in place; however, the applicant wants to live on site and an on-premise caretaker is not permitted under R-1, Special Use for a school. The only way the applicant can live on-site and have the school in place is to request rezoning from R-1, Single-Family Dwelling District to PUD, Planned Unit Development for use as a school with the allowance for an on-premise residential unit.

When this application was first submitted, the application showed plans for approximately 265 students, eighteen staff members and several new educational buildings on-site. Due to concerns from the neighbors regarding the change in use of the site and out of respect to those concerns, the applicants have restructured their plans for the school and reduced the student count to 59 students, five faculty members and no new buildings, as stated in their revised PUD narrative. The original application, however, is what was heard by the Planning Commission.

ANALYSIS: The particulars of this Planned Unit Development request include:

USE The character of the site for this school will be a park-like green space. In keeping with Rose Rock/Lifeways/Waldorf curricula, the landscaping of the property shall be enhanced with new tree plantings, gardens, paths, and fields for recreation.

OPEN SPACE The parcel is approximately 3.72 acres. The proposed open space is approximately 80.1% for gardens and student recreation areas. The percent of covered area on the site is 19.6.

BUFFERS The building setbacks along the side and rear of the property are 20 feet and 30 feet, respectively. These setbacks are clear of buildings or parking areas and will remain open. The southeast property line abutting the residential area along the drive has a 5 foot landscape buffer to shield the homes from traffic noise and lights of vehicles accessing the drive.

PARKING On-site parking will be provided. Parking areas shall be constructed of approved materials. As proposed site parking will exceed the minimum required by City ordinance, there will be space for stacking of vehicles along the drive, allowing for drop-off and pick-up of children. The proposed site plan depicts twenty-five parking spaces. There is an arrangement with a local church, St. Stephen's United Methodist Church, to allow the use of their parking lot for overflow parking during special events.

ALTERNATIVES/ISSUES:

IMPACTS There are 20 and 30 foot setbacks required by the PUD narrative along the side and rear of the property to reduce or eliminate any impact on adjacent properties. These property lines abut a single family subdivision which has been in place for many years. The recently adopted Commercial Lighting Standards will require full cut-off fixtures for this development should any new exterior lighting be installed.

TRAFFIC All traffic will access the site from Main Street. The existing drive will be widened, repaved and improved for accessibility. The TIA (Traffic Impact Analysis) found that a traffic signal is warranted at the off-set intersection of Main and Wylie Road, the proposed new drive for the school site. Depending on traffic levels along Main Street and Wyle Road the signal could be warranted in 2016.

STAFF RECOMMENDATION: This PUD has established the following requirements that should minimize adverse impacts on the nearby single-family residences: (1) The applicants have removed the proposal to

expand the site with new buildings for classrooms. (2) They have removed the proposal of a gated entry. (3) They have made arrangements with a nearby church to allow for overflow parking during special events. (4) They have also reduced the number of students, originally proposed, from 265 down to 59 as well as reducing the staff from 18 to five. (5) The site will have areas for the children to play; around those areas will be perimeter fencing to contain the children in those areas. (6) The school has designated staggered drop-off and pick-up times to eliminate traffic congestion on or around the site. When the installation of the signal takes place the signal will help minimize any traffic impacts/issues. (7) The applicants have proposed parking on-site; the parking count proposed exceeds the zoning requirement standards for a private school.

Staff recommended approval of the originally submitted PUD request for this site, a school use in a residentially zoned area is an acceptable use. At the May 10, 2012 Planning Commission meeting there was a large turnout of the adjacent property owners expressing opposition to the proposal for the school. The Planning Commission, at their May 10, 2012 meeting, by a vote of 8-0, recommended denial of the previously submitted PUD and requested zoning change. In response to the comments from neighbors the applicants have since amended their original proposal, as noted above. The revised PUD is not the same proposal previously submitted to Planning Commission; however, because the applicants have had many meetings with the neighborhood and have been informed of the changes to the site, it did not seem useful to have the application heard again by the Planning Commission.

Staff recommends approval of Ordinance No. O-1112-36 for a Planned Unit Development to be used as a school. This item was originally submitted on First Reading on March 12, 2013, and the applicants requested postponement until March 26, 2013. The item now submitted for First Reading with the public hearing scheduled for April 9, 2013.

O-1112-36

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE R-1, SINGLE FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1515 WEST LINDSEY STREET)

§ 1. WHEREAS, Rose Rock School Foundation, the owner of the hereinafter described property, has made application to have said property placed in the PUD, Planned Unit Development District, and to have the same removed from the R-1, Single Family Dwelling District; and

§ 2. WHEREAS, said application has been referred to the Planning Commission of said City and said body has, after conducting a public hearing as required by law, considered the same and recommended that the same should not be granted and an ordinance not adopted to effect and accomplish such rezoning; and

§ 3. WHEREAS, the City Council of the City of Norman, Oklahoma, has thereafter considered said application and has determined that said application should be granted and an ordinance adopted to effect and accomplish such rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 4. That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to place the following described property in the PUD, Planned Unit Development District, and to have the same removed from the R-1, Single Family Dwelling District, to wit:

Part of the Southeast Quarter (SE/4) of Section 22, T9N, R3W of the Indian Meridian, Norman, Cleveland County, Oklahoma, being more particularly described as follows:

COMMENCING 970 feet East of the SW/C of said SE/4;
Thence North 485 feet; Thence East 370 feet; Thence South 485 feet; Thence West 370 feet to the POINT OF BEGINNING;
LESS AND EXCEPT: That portion deeded to the State of Oklahoma and recorded in Book 252, Page 245. A strip, piece or parcel of land lying in part of the SE/4 of Section 25, T9N, R3W of the Indian Meridian, Norman, Cleveland County, Oklahoma, said parcel of land being described by metes and bounds as follows: Beginning a point on the South line of said SE/4 a distance of 970 feet East of the SW/C of said SE/4;

THENCE East along said South line a distance of 370 feet to a point 1294.3 feet West of the SE/C of said SE/4;
THENCE North a distance of 47 feet;
THENCE North 89°58' West a distance of 370 feet;
THENCE South a distance of 47 feet to a POINT OF BEGINNING.

Said tract contains 3.72 acres, more or less.

§ 5. Further pursuant to the provisions of Section 22:434.1 of the Code of the City of Norman, as amended, the following condition is hereby attached to the zoning of the tract:

a. The site shall be developed in accordance with the PUD Narrative as revised and resubmitted February 25, 2013, and the Site Development Plan contained therein and supporting documentation submitted by the applicant and made a part hereof.

§ 6. Severability: If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

ADOPTED this _____day of _____, 2013.

_____
Mayor

ATTEST:

_____
City Clerk

NOT ADOPTED this _____day of _____, 2013.

_____
Mayor

P.U.D. NARRATIVE

Prepared for Rose Rock School Foundation
February 2013

Jack Eure Architect | 1017 Kings Rd., Norman, OK 73072 | TEL 405-808-5120 | E Mail jack@jackeure.com | www.jackeure.com

P.U.D. NARRATIVE

INTRODUCTION

Rose Rock School Foundation purchased the four-acre property, with an existing historic home, at 1515 W. Main Street in Central Norman. In its present location at 502 N. Park Ave, Rose Rock School serves a small group of children and parents, and is a local partner in the Norman community in parenting, education and child development.

The Rose Rock School curriculum emphasizes ecological stewardship, community involvement, and personal integrity. The Rose Rock School's mission is as follows:

> *The Rose Rock School offers an education, which respects the developmental stages and unique qualities of each child. Our curriculum fosters acute cognitive skills, keen emotional awareness, and meaningful worldly activity. Our long-term goal is to help lead children toward conscious adulthood, in which they respect diversity, interact harmoniously with all people, nurture and protect the natural world, and give joyfully to the communities in which they live.*

Rose Rock School seeks the rezoning of the property at 1515 W. Main St. from R-1 to a Planned Unit Development (P.U.D.), in order to relocate their school and provide housing for a representative of the school and his/her family. One single lot is proposed without subdivision or future plans thereof.

PLANNED USES

Throughout the year, a representative of Rose Rock School will live in residence at 1515 W. Main St. and be a contact for the surrounding neighbors. Rose Rock School will be operating M-F, 8am - 5pm.

SCHEDULE

The school will complete design, permitting, renovations and site improvements as required to begin operations at 1515 W. Main St. in August 2013.

STUDENT & FACULTY COUNT

Rose Rock School will serve a maximum of 5 faculty members and 59 students, ranging from the grades of early-childhood to 5th grade.

BUILDING HEIGHT

The existing home shall remain at its current height of three stories, and there are no plans to build any other habitable structures.

TOTAL ACREAGE & COVERAGE

The land area totals about 3.72 acres, or 162,043 square feet.

LEGAL DESCRIPTION

25-9-3w 4.12 Ac Prt Se/4 Beg 970 E Sw/C Se/4 N485 E370 S485 W370 Pob And Exc Beg 970 E Sw/C E370 N47 Wly 370

SITE CHARACTER

The character of the site as a park-like green space shall be preserved. The landscaping of the property shall be enhanced with new tree plantings, gardens, and fields for recreation. Landscape areas shall combine turf grass at recreation fields with areas cultivated with vegetable and flower gardens as well as drought-tolerant and native plants. Green spaces shall be reserved in the southern half of the property, as well as the far northern side.

SITE LIGHTING

Existing light fixtures, on the south & north sides of the main house, as well as those on the current garage building shall remain. Any new lights installed shall be full cutoff fixtures and in compliance with the Commercial Lighting Ordinance. Rose Rock School is committed to zero light pollution onto adjacent neighbors.

SITE DRAINAGE

Storm water shall be detained in a detention area on site before being conveyed back to the natural drainage channel. The detention will have an outlet structure to regulate the flow of water per the City of Norman standards. This will be a "dry" detention area, meaning that no water will remain standing permanently. Refer to the Grading Plan and Site Drainage Analysis.

SITE TRAFFIC

The Traffic Impact Analysis, requested by the City of Norman, independently found that a traffic signal is warranted at the intersection of the Main Street and Wylie Road, and the new Rose Rock Drive in 2016. The traffic study indicates that the traffic signal is warranted regardless of the development of the school.

PARKING

Parking areas shall be constructed of approved materials. Site parking shall exceed the minimum required by City of Norman Zoning Code, in addition to the stacking space for drop-off and pick-up. In the case of special events, on-site parking shall be utilized in the designated areas of the driveway, in conjunction with a nearby off-site parking located at St. Stephen's Methodist Church at 1801 W. Brooks St. Norman, OK 73069.

WASTE MANAGEMENT

Trash and recycling collection shall comply with all City of Norman commercial pick-up standards.

EXISTING HOME

The existing iconic home shall be preserved with minimal modifications where required for building code compliance.

LIFE SAFETY

The existing home shall receive a new sprinkler/alarm system and related water supply and fire department connection improvements as required. Doorways shall be widened and accessibility ramps installed, where required, to provide a continuous path of egress. There shall be neither gated entry nor overhanging eaves to restrict the access of emergency vehicles.

GENERAL NOTES

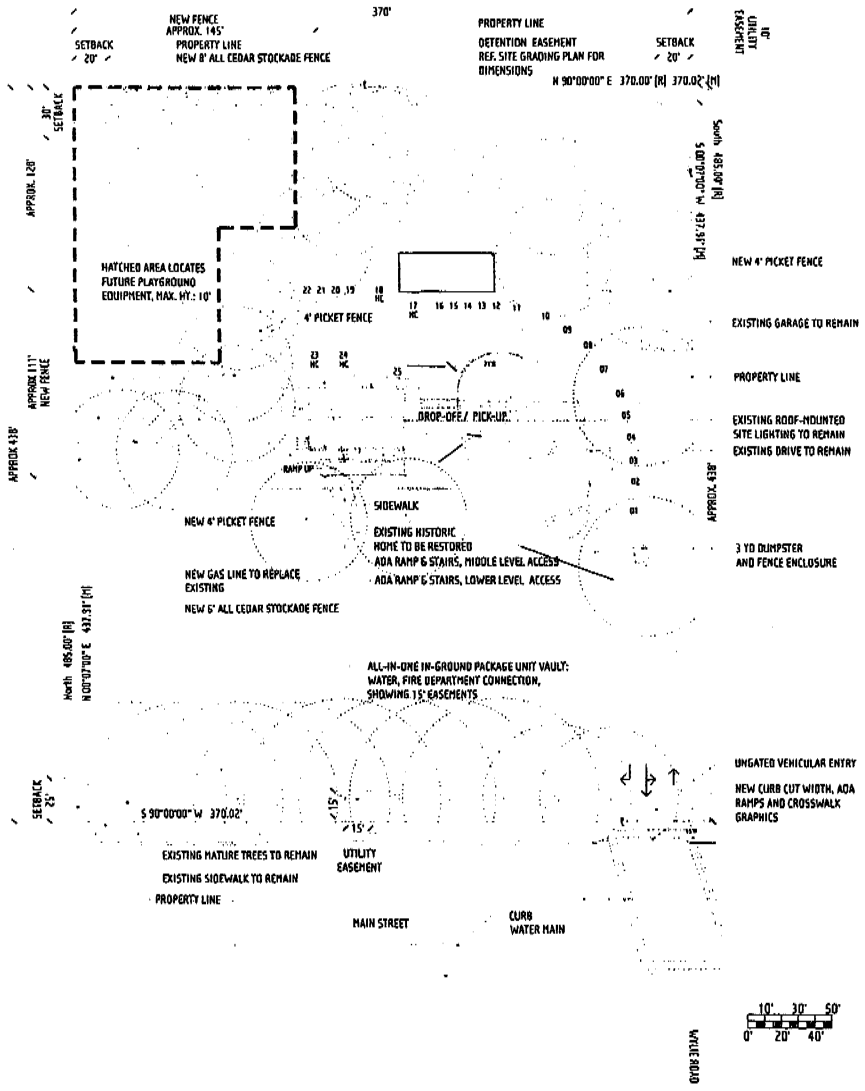
1. **Rezoning**
   Proposed rezoning from R-1 to PUD. One single lot is proposed without subdivision or future plans thereof.
2. **Setbacks**
   Proposed setbacks are as follows:
   Front: 25'
   Sides: 20'
   Rear: 30'
3. **Remodel Plan:**
   The existing home and garage shall be remodeled and updated; the home will be remodeled at the beginning and the garage will be remodeled later, dictated by growth of the student body up to the maximum below. Only the first two floors of the existing home shall be occupied by classroom space. These floors shall be made handicap-accessible by new exterior ramps. The top floor shall serve as residential space and storage for one staff person and his/her family.
4. **Maximum Student Population**
   Maximum 59 students, allowable with 35 square feet indoor space per student, per Oklahoma DHS.
5. **Vehicular Stacking Length:**
   Total stacking length for cars is 380 linear feet, or 20 cars 19 feet long.
6. **Intersection**
   Intersection of Wylie Rd. and Main St. shall receive new traffic markings and accessible sidewalk improvements for pedestrian safety. A new, wider curb cut shall replace the existing one, and provide three vehicular lanes for enhanced traffic flow.
7. **Staggered Drop-off / Pick-up Schedule**

Drop-off:	Pick-up:
1/4 at 8:00 a.m. (15 students)	1/3 at 1pm (20 students)
1/4 at 8:15 a.m. (15 students)	1/3 at 3pm (20 students)
1/4 at 8:30 a.m. (15 students)	1/3 at 5pm (19 students)
1/4 at 8:45 a.m. (14 students)	

8. **Parking:**
   Total parking spaces shall number 25. Space dimensions shall comply with City of Norman standards.
9. **Perimeter Fence:**
   All perimeter and child containment fencing shall comply with City of Norman and OHS standards.
10. **Paving Surface:**
    New paving surfaces shall comply with City of Norman standards.
11. **Fire Protection Plan**
    The existing house shall receive fire suppression sprinklers in accordance with City of Norman standards. A new all-in-one / in-ground package unit shall be installed. Existing fireplugs shall be sufficient per City of Norman. There are no gates to restrict emergency vehicle access.
12. **Landscaping**
    Landscaping shall comply with City of Norman requirements.
13. **Stormwater Drainage & Stormwater Easement/s**
    New paved areas shall not be curbed but rather sloped to return stormwater to ground. Refer Grading Plan and Drainage Analysis.
14. **Trash and Recyling Collection**
    Trash collection vehicles shall continue to access the existing drive as they do currently. Refer site plan for dumpster capacity & location.

LEGAL DESCRIPTION

25-9-3w 4.12 Ac Prt Se/4 Beg 970 E Sw/C Se/4
N485 E370 S485 W370 Pob And Exc Beg 970 E Sw/C
E370 N47 Wly 370



TOTAL IMPERMEABLE COVERAGE: 31,719 SF
TOTAL SITE AREA: 3.72 ACRES
% COVERED: 19.6
GREENSPACE: 80.1% OR 129,810 SF
OR 2200 SF PER STUDENT

eure
ARCHITECTURE ARCHITECT
1417 OAKES RD
NORMAN OK 73072
405-809-1488

ROSE ROCK SCHOOL

ROSE ROCK SCHOOL

JACK DOUGLAS EURE
REGISTERED ARCHITECT

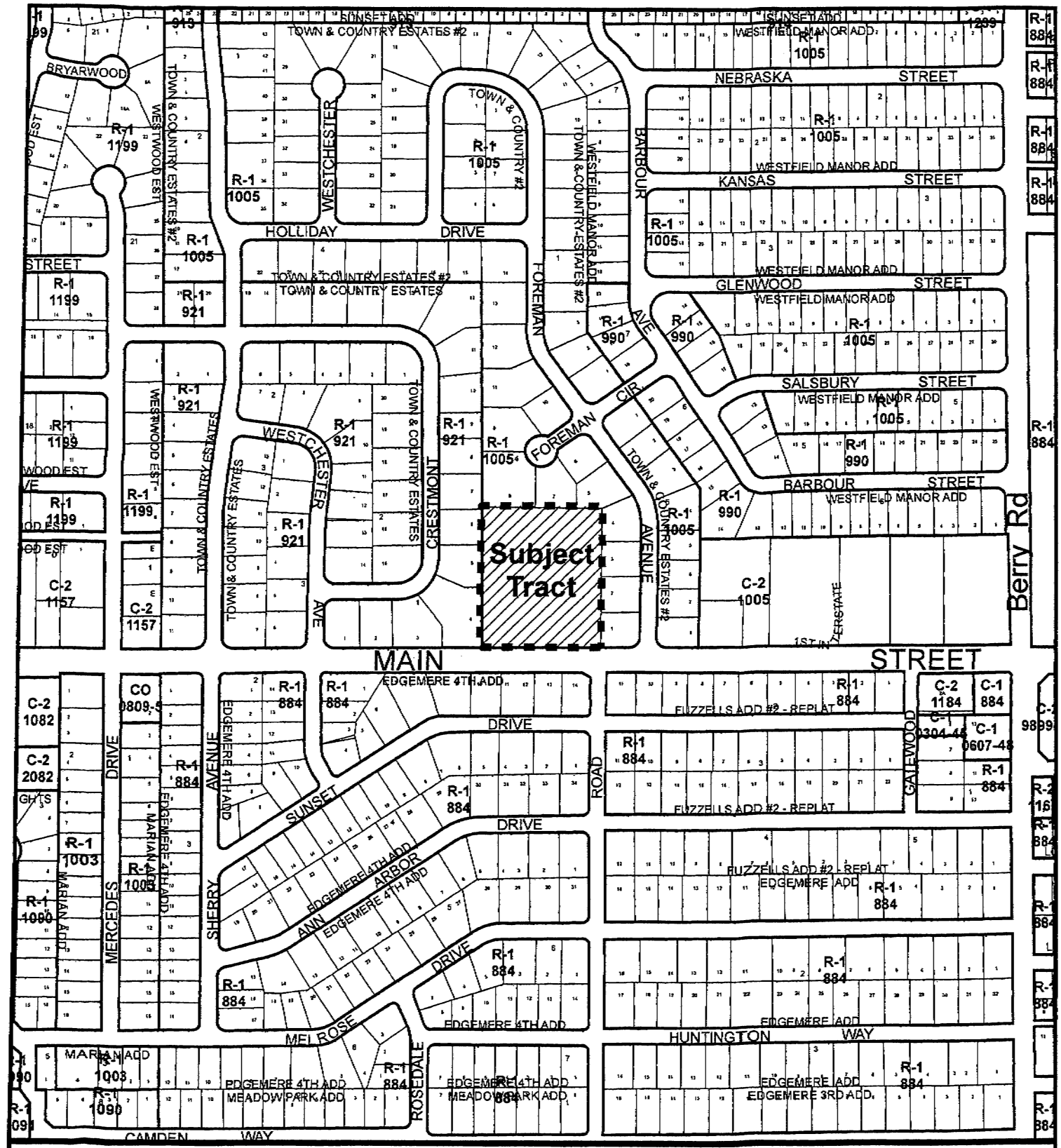
SCALE
1/32" = 1'-0" ON 24"x36"
1/64" = 1'-0" ON 12"x18"

DATE
21 FEBRUARY 2013

PROJECT NO.
12_007

DESCRIPTION	SHEET NO.
SITE PLAN	A101

NOTE: DIMENSIONS SHOWN ON PRESENTATIONS



Location Map

Map Produced by the City of Norman
Geographic Information System.
(405) 366-5316
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.

N W E S

April 17, 2012

0 200 400 Ft.

Subject Tract

Zoning

ORDINANCE NO. O-1112-36 ITEM NO. 8a

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Shanah Ahmadi
REQUESTED ACTION	Rezoning to PUD, Planned Unit Development District
EXISTING ZONING	R-1, Single Family Dwelling District
SURROUNDING ZONING	North: R-1 East: R-1 South: R-1 West: R-1
LOCATION	1515 West Main Street, generally located on the north side of Main Street at the corner of Main Street and Wylie Road
SIZE	3.72 acres, more or less
PURPOSE	Private School
EXISTING LAND USE	Residential
SURROUNDING LAND USE	North: Residential East: Residential South: Residential West: Residential

SYNOPSIS: The applicant has requested rezoning from R-1, Single Family Dwelling District to PUD, Planned Unit Development, to allow the owner to live on site temporarily while establishing a private school. The private school is Rose Rock School, a Waldorf Based educational system.

ANALYSIS: The particulars of this Planned Unit Development request include:

USE The character of the site for this school will be a park-like green space. In keeping with Rose Rock/Lifeways/Waldorf curricula, the landscaping of the property shall be enhanced with new tree plantings, gardens, paths, and fields for recreation.

OPEN SPACE The parcel is approximately 3.72 acres. The total area set aside for open space/green space is approximately 2.6 acres. The proposed open space is approximately 70% for gardens and student recreation areas.

BUFFERS The building setbacks along the side and rear of the property are 20 feet and 30 feet, respectively. These setbacks are clear of buildings or parking areas and will remain open. The southeast property line abutting the residential area along the drive has a 5 foot landscape buffer to shield the homes from traffic noise and lights of vehicles accessing the drive.

PARKING On-site parking will be provided. At full build out there will be 18 on staff. The proposed site plan depicts 20 parking spaces with additional spaces for drop-off and pick-up in the circle drive.

PHASES

I. Move existing students, approximately 14, and staff to historic home at 1515 W. Main St. fall of 2012: Complete remodel for code-compliance of accessibility, utilize third floor as housing for staff
II. Spring 2013: Add sprinkler system prior to expanding early childhood student numbers from 15 to maximum 35. Third floor of existing home will continue to be used as staff housing. Staff count to increase to approximately 5. Modify third floor of existing home to become temporary home for first grade. At this time there will be no staff living on-site. Add elevator, create fire-rated stair, enclose roof terrace. Student count will increase to a maximum 30 additional students. Additional staff of 2 and maximum student count to be at 65.
III. Spring 2014: Expansion of grades 1-4, signalize intersection of Main St., Wylie Rd., and Rose Rock Drive and redo existing drive as shown on A002. First grade will move from existing house to new wing, kindergarten curriculum now occupies third floor of existing house. Student count is now 30 per grade or 90 additional students; maximum student count is now 155. Additional staff of 7 will be added.
IV. Spring 2016: Expansion of wing for grades 5-8. Additional student count is maximum 30 per grade, or 120 for grades 5-8. The total student count is maximum 265. Additional staff of 6 will be added brining total staff to 18.

ALTERNATIVES/ISSUES:

IMPACTS The PUD narrative stated there will be self-imposed 20 and 30 foot setbacks required along the side and rear of the property. These property lines abut a single family subdivision which has been in existence for many years. The site plan depicts a proposed two-story building along the west side and single story along the north end of the property. The second floor of the west facility is to be used as a gymnasium so there will be no students sitting in class looking out the windows. The recently adopted Commercial Lighting Standards will require full cut-off fixtures for this development, reducing the possibility of lighting impacting the neighbors.

TRAFFIC All traffic will access the site from Main Street. The existing drive will be widened, repaved and improved for accessibility. The TIA (Traffic Impact Analysis) found that a traffic signal is warranted at the off-set intersection of Main, Wylie Road and the proposed new drive for the school site. The City recommended installation of the traffic signal during the 3rd phase of construction, which is slated for 2014. Based on 2014 projected background

traffic and site traffic for phase 3, the school would attribute approximately 0.73% of the overall traffic through the intersection. Rose Rock School supports this finding for signalization to provide for safe vehicular and pedestrian travel in this area.

SECURITY ENTRANCE GATE A security gate at the entrance is proposed. The gate shall be placed such that the largest emergency vehicle can pull completely off Main Street. The gates shall swing in the direction of travel or retract. The gate shall be provided with a manual release in the event of power failure. The gate shall be equipped with a siren operating sensor that retracts the gate upon approach of emergency vehicles.

STAFF RECOMMENDATION: This PUD has established safeguards that should minimize any adverse impacts on nearby single-family residences. The installation of signalization will help minimize traffic impacts/issues. The parking count meets the zoning requirement standards for a private school. The applicant acknowledges that at times they will be required to make accommodations for additional parking for visitors on-site. Staff discussed this issue with the applicant and they stated the open area at the south end of the lot, north of the south fenced property line, will accommodate the additional cars on an as needed basis. By way of this PUD parking on a temporary basis for special events will be permitted in this grassed area. Staff also discussed with the applicant that they need to make sure no cars will park along Main Street or along the ROW outside the south fenced area. Staff recommends approval of this request for a Planned Unit Development.

P.U.D. NARRATIVE

Prepared for Shanah Ahmadi & Rose Rock School Foundation
Date: 2 May 2012

Jack Eure Architect | 1017 Kings Rd., Norman, OK 73072 | TEL 405-808-5120 | E Mail jack@jackeure.com | www.jackeure.com

INTRODUCTION

In 2011, Rose Rock School Foundation acquired a four acre property with an existing historic home at 1515 W. Main Street in Central Norman, Oklahoma. Rose Rock School seeks the rezoning of this property from R-1 to a Planned Unit Development (P.U.D.) in order to relocate their school to the property and for future expansion of the school. One single lot is proposed without subdivision or future plans thereof.

TOTAL ACREAGE & COVERAGE

The land area totals about 3.72 acres, or 162,043 square feet. The total area of proposed improvements (including paving)= 51,800 square feet, or 32% coverage. 68% of the property will be reserved as greenspace.

LEGAL DESCRIPTION

25-9-3w 4.12 Ac Prt Se/4 Beg 970 E Sw/C Se/4 N485 E370 S485 W370 Pob And Exc Beg 970 E Sw/C E370 N47 Wly 370

PHASED DEVELOPMENT SCHEDULE

I. Move existing students and staff to historic home at 1515 W. Main St.
   a. Fall 2012: Complete remodel for code-compliance of accessibility; utilize third floor as housing for staff, 14 students
   b. Spring 2013: Add sprinkler system prior to expanding early childhood student numbers from 15 to maximum 35. Third floor existing home used as staff housing. Staff count: 5.

II. Spring 2013 Modify existing third floor of existing home to become temporary home of first grade. Add elevator, create fire-rated stair, enclose roof terrace. Student count: maximum 30 additional. Additional staff: 2. Total students maximum 65.

III. Spring 2014 Grades 1-4 Expansion, Signalize intersection of Main St., Wylie Rd., and Rose Rock Drive and redo existing drive as shown on A002. First grade moves from existing house to new wing, kindergarten curriculum space occupies third floor of existing house. Student count: maximum 30 per grade, or 90 additional. Additional staff: 7. Total students maximum 155.

IV. Spring 2016: Grades 5-8 Wing Expansion. Student count: maximum 30 per grade, or 120 for grades 5-8. Total students maximum 265. Additional staff: 6. Total staff 18.

PLANNED USES

Except for two staff members that will live on site temporarily during Phase I (in the third floor of the existing home), described above, the site will be devoted exclusively to usage as a school.

SITE PLAN
At full buildout, the school will have a total area in the range of 30-35,000 square feet, including the existing home plus new construction. Buildings shall be grouped to the north and west of the existing home.

BUILDING HEIGHT
The existing home shall remain at a height of three stories. An elevator and enclosed fire stair shall be added adjacent to the home at the same height of three stories. The portion of the proposed program in the area of grades 5-8 shall have a basketball gymnasium above it, and so shall be two stories in height. The remainder of the proposed program shall be single story.

SITE CHARACTER
The character of the site as a park-like greenspace shall be preserved. In keeping with Rose Rock / Lifeways / Waldorf curricula, the landscaping of the property shall be enhanced with new tree plantings, gardens, paths, and fields for recreation. Landscape areas shall combine turf grass at recreation fields with areas cultivated with vegetable and flower gardens as well as drought-tolerant and native plants. Greenspaces shall be reserved in the southern half of the property, as well as the northwest and northeast corners. Setbacks shall be increased over existing zoning requirements, as shown on the Site Plan.

Perimeter fencing of minimum 6' height that is esthetically pleasing together with a landscape buffer shall be provided along the side and rear property lines where such fencing and landscape is lacking.

SITE DRAINAGE
The proposed improvements will drain stormwater without negative impacts on neighbors. Stormwater shall be detained in a detention structure at the northwest corner of the property before being conveyed through a stormwater output structure to the City stormwater sewer. Refer Grading Plan and Site Drainage Analysis.

SITE TRAFFIC
The existing drive shall be widened, repaved and improved for accessibility. The Traffic Impact Analysis commissioned by Rose Rock School found that a traffic signal is warranted at the intersection of the new Rose Rock Drive, Main Street and Wylie Road. Rose Rock School supports this finding and supports a traffic signal to provide for safe vehicular and pedestrian passage at the intersection. Roof at proposed dropoff area shall not impede turnaround of emergency vehicles and shall be designed to provide minimum 13'-6" clear vertically, in accordance with Fire Department requirements.

The vehicular security gate shall be placed and designed such that the largest emergency response vehicle can pull totally off Main Street. Gates shall swing either in direction of travel or retract perpindicular to the road. The gate

shall be provided with a manual release to account for conditions of power failure. The gate shall be equipped with a siren-operating-sensor that retracts gate automatically upon approach of a vehicle with its emergency siren sounding. Both halves of gate shall retract simultaneously to provide required minimum clearance.

Paved areas shall be constructed of approved materials. Site parking shall be in the range of the minimum required plus several spaces for dropoff and pickup. Required parking spaces number 18. Paved areas shall feature sloped borders to channel water back to landscaped areas with broader, more gradual dispsersion. Event parking shall be sporadic and occasional, and shall occur onsite in the southern portion of the site.

Trash pickup shall meet City of Norman requirements.

EXISTING HOME

The existing historic home shall be preserved and expanded to enclose the roof deck. The existing architectural style of the home, which could be considered an understated early modernist design, shall be preserved. An elevator and fire stair shall be added to render all three levels of the existing home accessible.

NEW CONSTRUCTION

The school shall be designed and constructed in accordance with principles of green, climate-responsive design. The architectural character of the areas of new construction shall be modern, and shall complement the existing modernist home. Please refer to Site Plan.

LIFE SAFETY

The existing home shall receive a new sprinkler system, fire stair and elevator. It's doorways shall be widened where required to improve the path of egress. The new construction areas shall have fire-sprinklers. Fire plugs shall be added during the phased development as required by the Fire Department. The fire suppression system shall include measures at the north and west of the property for fire hose connection where vehicles are not able to drive.

FUTURE PLANS FOR SELLING, LEASING OR SUBDIVIDING

There are no future plans to sell, lease or subdivide the P.U.D. either all or any portion thereof.

PHASED DEVELOPMENT SCHEDULE

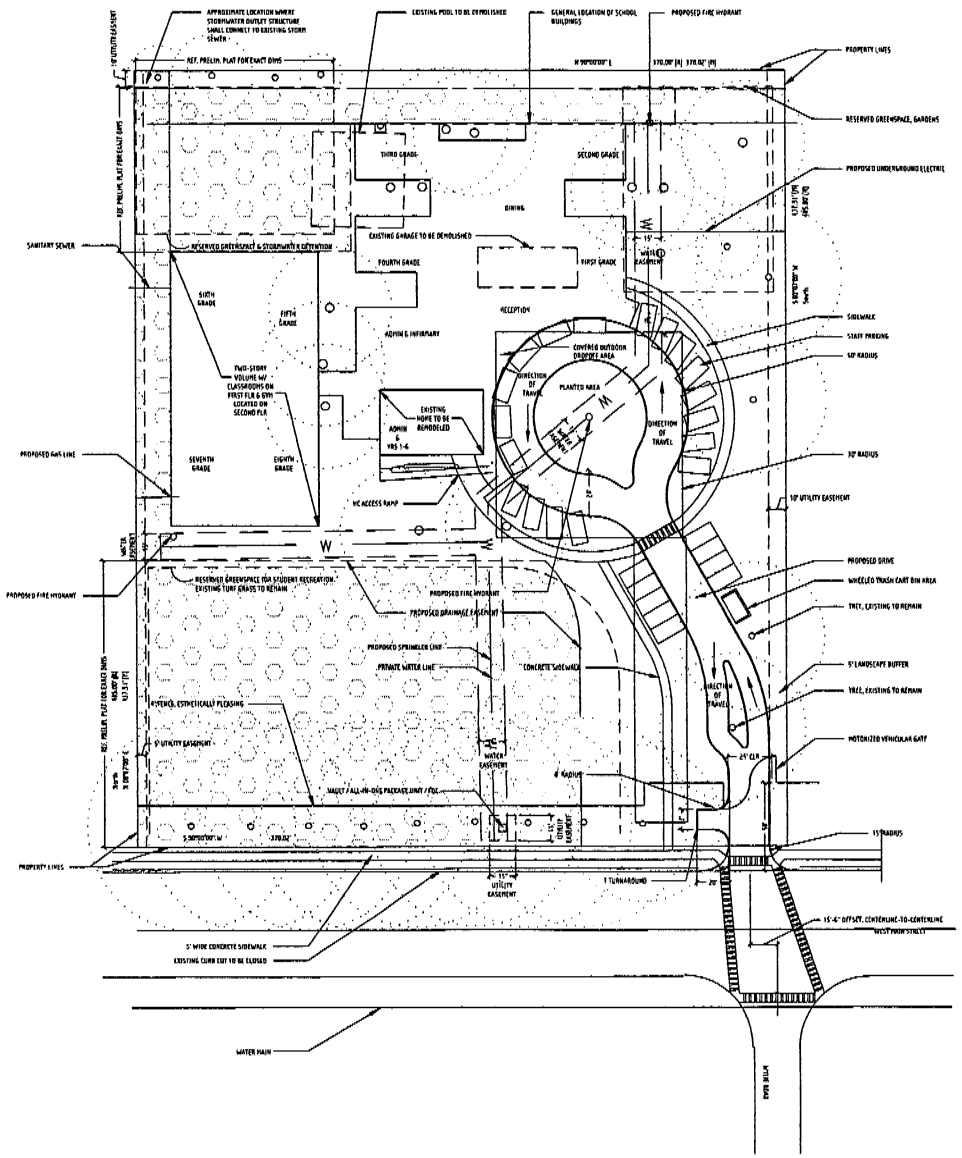
I Move existing students and staff to historic home at 1515 W. Main St.
a. Fall 2012: Complete remodel for code-compliance of accessibility, 14 students
b. Spring 2013: Add sprinkler system prior to expanding early childhood student numbers from 15 to maximum 35. Third floor existing home used as staff housing, Staff count: 5.
II. Spring 2013 Modify existing third floor of existing home to become temporary home of first grade. Add elevator, create fire-rated stair, enclose roof terrace. Student count: maximum 50 additional. Additional staff: 2. Total students maximum 65.
III. Spring 2014 Grades 1-4 Expansion, Signalize intersection of Main St., Mylie Rd., and Rose Rock Drive and redo existing drive as shown on ADD2. First grade moves from existing home to new wing, Kindergarten curriculum space occupies third floor of existing house. Student count: maximum 20 per grade, or 80 additional. Additional staff: 7. Total students maximum 155.
IV. Spring 2016: Grades 5-8 bldg Expansion. Student count: maximum 20 per grade, or 120 for grades 5-8. Total students maximum 265, Additional staff: 9, Total staff 18.

LEGAL DESCRIPTION

25-9-3w A.12 Ac Prt Swk Beg 970 E Swk, Swk N485 E370 S485 W370 Pob And Exc Beg 970 E Swk E370 N47 Wly 370

NOTE: SITE PLAN PLACES BUILDINGS TO PRESERVE BOTH VIEWS OF EXISTING HISTORIC HOME, AND TO PRESERVE CHARACTER OF SITE AS OPEN GREEN SPACE.

NOTE: REQUIRED SETBACKS OF EXISTING ZONING HAVE BEEN RESPECTED AND DOUBLED WITH THIS LAYOUT.



GENERAL NOTES:

PROPOSED REZONING FROM R-1 TO P.U.D., ROSE ROCK ADDITION

ONE SINGLE LOT IS PROPOSED WITHOUT SUBDIVISION OR FUTURE PLANS THEREOF.

PROPOSED SETBACKS: SIDES 20', REAR 30', FRONT 0'

21 PARKING SPOTS FOR STAFF (18) & VISITORS (3)

6 DROP-OFF PARKING SPOTS

SITE COVERAGE: APPROX. 30%. BUILDINGS FOOTPRINT APPROX. 31,000 SF.

TYP. PARKING SPACE DIMENSIONS: 9' X 19'

ROOF AT COVERED DROPOFF AREA SHALL NOT IMPEDE TURN AROUND OF EMERGENCY VEHICLES.

VEHICULAR SECURITY GATE SHALL BE PLACED SUCH THAT LARGEST EMERGENCY VEHICLE CAN PULL TOTALLY OFF MAIN ST. GATES SHALL SWING IN DIRECTION OF TRAVEL OR RETRACT. GATE SHALL BE PROVIDED WITH A MANUAL RELEASE IN THE EVENT OF POWER FAILURE. GATE SHALL BE EQUIPPED WITH A SIREN OPERATING SENSOR THAT RETRACTS GATE UPON APPROACH OF EMERGENCY VEHICLES. BOTH HALVES OF GATE SHALL OPEN SIMULTANEOUSLY SO AS TO PROVIDE REQUIRED MINIMUM CLEARANCE.

ROOF AT COVERED OUTDOOR AREA SHALL PROVIDE MINIMUM 13'-6" CLEAR VERTICALLY SO AS NOT TO OBSTRUCT EMERGENCY VEHICULAR CLEARANCE.

PAVED AREAS SHALL BE CONSTRUCTED OF APPROVED MATERIALS.

PERIMETER FENCING OF MINIMUM 4' HEIGHT THAT IS ESTHETICALLY PLEASING SHALL BE PROVIDED ALONG THE SIDE AND REAR PROPERTY LINES WHERE SUCH FENCING IS LACKING OR IN POOR CONDITION.

LANDSCAPE AREAS SHALL CONSIST TURF (RECREATION FIELDS) WITH AREAS CULTIVATED WITH VEGETABLE AND FLOWER GARDENS AS WELL AS DROUGHT-TOLERANT AND NATIVE PLANTS.

FIRE PROTECTION: THE CITY OF NORMAN FIRE CHIEF DETERMINED THAT THE EXISTING FIRE HYDRANTS IN THE AREA ARE SUFFICIENT. THE EXISTING HOUSE AND THE AREAS OF NEW CONSTRUCTION SHALL RECEIVE A CODE-COMPLIANT SPRINKLER SYSTEM.

EXISTING WATER WELL SHALL BE RENDERED INOPERATIVE.

FOR REVISED R.O.W. OF 50', REF. PRELIMINARY PLAT.

LEGEND

PROPOSED DRAINAGE EASEMENT

NOTE: DIMENSIONS MUST BE FIELD-VERIFIED

JACK CURE ARCHITECT
1017 KINGS RD
NORMAN OK 73072
405-808-5120
www.jackcure.com

COPYRIGHT JACK CURE ARCHITECT

ROSE ROCK SCHOOL

NO	DATE	DESCRIPTION
1	10/17	PRE-PLANNING SUBMITTAL

PRELIMINARY DRAWINGS
NOT FOR CONSTRUCTION

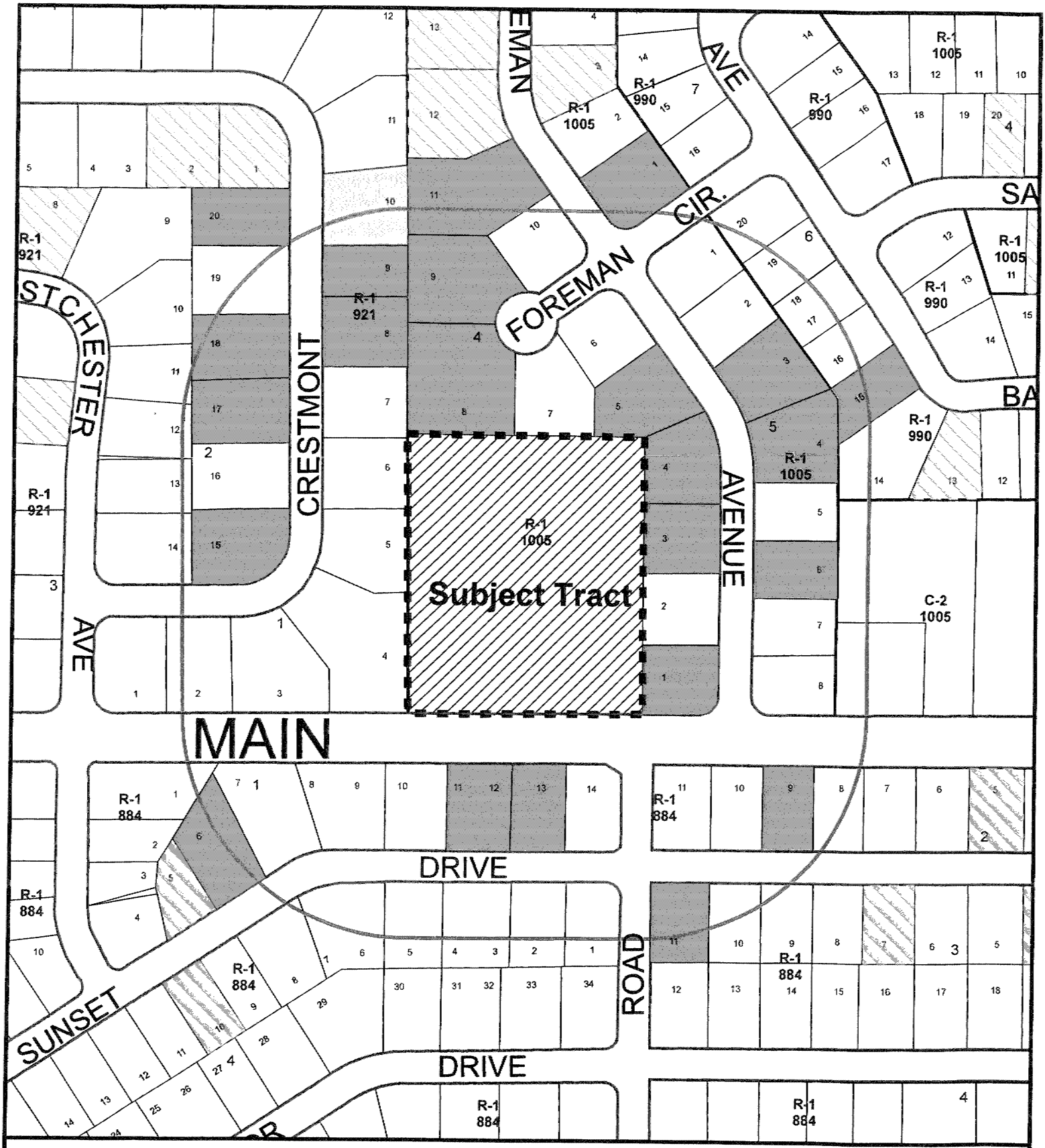
SCALE
1/32" = 1'-0" AT 36" X 48"
1/64" = 1'-0" AT 18" X 24"

DATE
24 APRIL 2017

PROJECT NO.
17_003

OWNER	PROJECT	LOCATION
ROSE ROCK SCHOOL	1851	1515 W. MAIN ST. NORMAN, OK 73069

DESCRIPTION	SHEET NO.
SITE PLAN	A004



Protest & Support Map

38.9% Protest Within Notification Area

0.9% Support Within Notification Area

Map Produced by the City of Norman
Geographic Information System.
(405) 366-5316
The City of Norman assumes no responsibility for errors or omissions in the information presented.

N W E S

Scale: 1" = 200'

May 9, 2012

Subject Tract

Protest

Support

Notification Area

Prot. Outside Notification Area

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-7-12 DM

An open letter to the Norman Planning Commission and the residents of the neighborhood around my family's house:

The purpose of this letter is to make a **formal statement of support** to a request for rezoning at the following address:

1515 West Main Street
Norman, OK 73069

My family has owned the house at 225 Crestmont Avenue since before I was born. My dad lived there as a teenager attending Norman High, and I remember making frequent visits to the house I knew as "Grandma Posey's house" when I was growing up. As a young adult attending the University of Oklahoma, thanks to my grandmother's kindness and generosity, I had the opportunity to live in her home several times during my college years. So for about three years of my life I have called Crestmont Street and the surrounding neighborhood my home. I have enjoyed many peaceful evenings walking, biking, and jogging through those neighborhood streets, which always feel safe and relatively quiet.

For these reasons, when I read a copy of the formal protest against the rezoning of the above mentioned property, I understood the fear expressed in their protest, fear that the rezoning could have an adverse effect on the neighborhood. Anyone who has cherished a home in an aptly described "beautiful, tranquil neighborhood" has good reason to regard proposed changes to that neighborhood as suspect. However, I also knew upon reading the protest that the fears expressed therein were largely unfounded. Many of the fears listed in the formal protest – that the owners of Rose Rock school would fail to be good stewards of their property, for example, or that they are being dishonest about their plans – reflect a fear that the school community and its owners would be bad neighbors. But I know Shanah Ahmadi and the teachers at her school, I know many of the children who attend the school and their parents, and they are good people. In my experience, good people don't make bad neighbors.

I still remember the first time I met Shanah in 2007. She told me about the school she planned to start, which at that time was still just a plan and a dream of hers. Since that time I have seen her vision become reality. I had the pleasure of spending two days visiting Rose Rock school last spring, and I was overwhelmingly impressed by the environment she has created in her home to care for children. I have met few people as passionate and dedicated to loving and educating children as she is. When I have children someday, I will want them to attend Rose Rock school.

I encourage anyone who has doubts about Rose Rock school to get to know Shanah, to meet her assistants Sarah and Frances, who were my roommates in college and are both friends of mine, and to talk to the parents who trust her enough to put their young children in her care. I am certain that they will all echo my excitement for the

important work being done at Rose Rock school. After all, the education of children is arguably the most important work we do as a community, and is the most important investment we make in our future.

One has to question whether hearts have not hardened to be able to call the sounds of children playing "noise pollution." I believe that this assertion, more than any other, makes clear the shortsightedness and lack of perspective in the reactionary protest against the school. There are many very real threats to the peacefulness and security of neighborhoods, but it is my belief that the development of a small school is not such a threat. To attempt to categorize it as such reveals an unfortunate disconnect in values. A neighborhood that has no place for children has no future.

To address the residents of the concerned neighborhood directly, I think you'll find that accepting this school into your community, with its teachers, its children, and their parents, will enrich your lives and the lives of all who are involved in this Norman community for generations to come.

Sincerely,

Sarah Warmker

This Facility needs to be on the outskirts of Town where there is no disturbing of neighbor, traffic, noise. If the City should allow this project to go forward, then the citizens have no power, it would seem. We are not dum to this situation. We know change is inevitable but this one goes too far.

This effects many more than 350 feet from the site, it effects any & every one who uses main street, east or west, & we sense don't need another Traffic light on Main west of Berry Rd. So, I am in protest as is my wife of this plan.

Thank you

Jim & Deanna Miller
1712 Holliday Dr.
73069
Norman, OK
Ph 405 360 5880

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5/7/12

Dear Planning Commission;

As a neighbor for many years in this area I ask that no rezoning be allowed on the property at 1515 West Main Street in Norman.

Thank you for consideration of this matter.

Sincerely,
Marcheta J. Rodkey
406 N Henry Ave
Norman, Oklahoma
73069

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5/7/12

Colette Judge - Town & Country Estates
Foreman Avenue owner.

April 21, 2012

ATTN: City Clerk
City of Norman / Planning Commission

RECEIVED your letter regarding REZoning request of the property located at 1615 W. Main
I as a homeowner am opposed to the request to change from single family dwelling to PUD as it would effect all of the homeowners in this area. Most of us are long time owners and this change would not be in our best interest

Sincerely
Colette Judge

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4-24-12

Debbie C. Raison
140 Crestmont
Norman, OK 73069
(405) 329-2231
dkcr@cox.net

May 6, 2012

Dear City of Norman Planning Commission:

The purpose of this letter is to make a formal protest to the request for rezoning at the following address:
1515 West Main Street
Norman, OK 73069

The October 2011 letter from the City of Norman and the meeting with the Department of Planning & Community Development we were told the property would remain R-1 with 'special use.' Staff would live in the house as the school grows. In the Phased Development schedule b. Spring 2013, the third floor is used for staff housing. Keeping the 'special use' rather than changing to Planned Unit Development allows for the school to gradually grow. If it succeeds, the school and the City of Norman will have a better idea about traffic flow, financing, noise, etc. If the school does not succeed, the property remains residential (R-1).

I protest the rezoning to Planned Unit Development.
The reasons are:
Creation of storm water detention – this alters the current flow of water and can flood neighbor's property. It can also be a wet place for mosquitos to breed.

Traffic – There will be increased traffic from cars lined up on Main Street to the side streets Foreman, Crestmont, Westchester, Barbour, and Wylie Road when students are dropped off and picked-up. It will be necessary to have sidewalks, crosswalks, speed bumps, and stop signs as the school enrollment grows. The traffic increase will disrupt a beautiful quiet neighborhood and make it unsafe for pedestrians who walk with their children and dogs.

Thank you for your time and consideration.

Sincerely,

Debbie C. Raison

Debbie C. Raison

This agenda was posted in prominent public view at the Municipal Building, 201 West Gray, in Norman, Oklahoma, on:

DATE: 5-7-12
TIME: 10:42 am
SIGNATURE N. Le Flore
City Clerk's Office

May 7, 2012

Planning and community development Department

City of Norman

Re: Rezoning PROTEST

To whom it may concern:

Please accept this letter to be my PROTEST against the rezoning of 1515 W. Main st. Norman, Oklahoma. My wife and I have lived at 126 Crestmont Avenue since July 1995, and have greatly enjoyed the neighborhood. The neighborhood is one that most any person would enjoy if they wished to live in a quiet, beautiful, tree lined central Norman location.

My protests are several but deals mainly with traffic congestion on West Main street. The school, with a mentioned number of 270 students, will without question greatly have an adverse affect on Main street traffic. I have personally observed traffic backed up from Berry Road to Mercedes when Norman High School let out . According to their own plans there are far too few parking places for nighttime and weekend school activities thereby causing street parking in the adjoining neighborhoods which will be greatly resented by, and troublesome to the residents. That does not include the people waiting to pick up their children at the end of the school day.

I cannot see where this rezoning request, should it be granted, be an improvement to Norman City and most certainly not the neighborhood affected. I believe most of my neighbors and homeowners in this area feel the same. Another issue I would mention is why would the city allow a private business enterprise that is neither wanted nor needed into a well groomed and strategically located neighborhood ? Where or what is the improvement the City of Norman likes to talk about in their Planning and Community Development activities?

Thank you,

Thomas G. Kennedy

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-7-12

To Whom It May Concern:

This letter is to inform you of our opposition to the requested rezoning of 1515 West Main Street for the Rose Rock School to a PUD.

Jenny Jenkinson
1318 Salsbury
Norman, OK 73069

Steve Jenkinson
1318 Salsbury
Norman, OK 73069

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-7-12 SM

5/6/12

I am against the re-zoning to a QUD for the Rose Rock School - at 1515 West Main Street -

Mary Jane Holman
1622 Crestmont
Norman

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-7-12 DM

5-6-12

I am against the re-zoning to a PUD for the Rose Rock School at 1515 West Main Street.

Cristi Miles-Bullard

Cristi Miles-Bullard

302 Foreman Ave.
Norman, OK 73069

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-7-12 7m

DOROTHY C. COKER

1306 Sunset Dr.
Norman, OK 73069
405.329.3432

May 7, 2012

HAND-DELIVERED

City Clerk
City of Norman
201 West Gray, Bldg. A
Norman, OK 73069

Re: Rezoning Request for 1515 West Main St.
by Rose Rock School

Dear Sir or Madam:

Last Friday, May 4, 2012, I was notified that there is a request for rezoning from Single Family Dwelling to Planned Unit Development on the above-referenced property. Please enter this letter as a protest to that rezoning request. Norman has plenty of other properties needing development that would fit the needs of a school and are already zoned for that use. Encroachment into a longstanding, valuable residential neighborhood is unnecessary and should be denied.

Thank you for your assistance.

Respectfully,

Dorothy Coker

cc: Robert Holbrook
C:\Users\dcoker\2012 5 7 Ltr to City of Norman re rezoning protest.doc

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5/7/12

NOTICE OF PROTEST OF REZONING

Dear Norman Planning Commission:

My husband and I are making a **formal protest** to a request for rezoning at the following address:

1515 West Main Street
Norman, OK 73069

Town and Country Estates is an established neighborhood, and the quiet majesty of our area is unmatched in Norman. This is the reason we purchased our home just over 5 years ago. We loved the older homes and large trees, and foresaw that our friends with young children would follow our lead and come to this area that offers quiet, tree lined streets and a great school system – and this is beginning to happen. We spent a fortune remodeling this existing home, taking care to retain the mature trees and enhance the beauty of our property. We loved the idea of backing up to a historic residential property. We did not anticipate the possibility that the city would rezone that property, turning our quiet residential area into a high traffic center. We feel this is poor city planning (at best), and a blatant insult to our property value and effort to preserve our unique home (at worst).

With our neighbors, we are concerned about:

- Increases in traffic on Foreman Avenue and within our cul-de-sac, which will be dangerous to the young children residing here. It will also make exiting or entering our neighborhood at specified school times nearly impossible which is important for those of us picking up or dropping off students at other Norman area schools. At a minimum, we propose the city needs to add speed bumps, sidewalks, and No Parking signs on any and all affected side streets.
- A negative impact on property values in the area should the school upkeep not include proper trash disposal and attention to pests such as mosquitoes, rats, and mice
- Potential for a "domino effect" should the school need to purchase additional residential property neighboring the existing site for parking or traffic reasons

In addition, concerns unique to our property include:

- We have a swimming pool bordered by a privacy fence. We are concerned that students may be able to climb the fence and enter our property unsupervised, posing a danger to themselves and a legal and social liability to us. This is of special concern once the school includes older children (through grade 8). This concern could possibly be alleviated by adding an 8' brick (or

other such material) wall along the perimeter of the school's property.

- Light and noise pollution from the school could be of detriment to our property, especially should the school grow to enrollment of 275 as proposed. We have asked the architect to specify where security lights would be placed; at the current time (5.5.2012) that had not been considered or included in the school's site plan.
- The school's site plan includes "groundwater detention" on the Northwest corner of the property. City storm drains currently exist on the property, producing an odor noticeable from our property. The architect has explained this is to be expanded into a 3' deep drainage ditch. Our area of Norman is already "soggy" and we foresee serious mosquito issues arising. We are also concerned that the proposed buildings will create more runoff/sanitation issues that will need to be addressed.
- The school's site plan includes a two story building, and we are concerned this tall structure will negatively impact the privacy of our property
- The school's site plan includes "staff housing." We are concerned this could become a multi-family housing situation if the parameters of such "staff housing" are not more clearly defined.

Thank you for your attention to this matter. We truly believe that this proposed change in zoning and the sheer size of Rose Rock School's enrollment will deflate our property values and as a consequence, reduce the amount of property tax revenue to the city!

Sincerely,

Libbi Holbrook

Robert & Libbi Holbrook
216 Foreman Circle
Norman, OK 73069
405-310-2767

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-7-12 DM

NOTICE OF PROTEST FOR REZONING

Dear Norman Planning Commission:

The purpose of this letter is to make a **formal protest** to a request for rezoning at the following address:

1515 West Main Street

Norman, OK 7306

Our reasons are as follows:

- **ANOTHER TRAFFIC NIGHTMARE IN NORMAN.** Main Street is already a nightmare during peak hours in Norman. This would increase that nightmare if Rose Rock manages to fulfill their future plans of 275 students. It would also affect the side streets nearest to the school: Sherry, Foreman Ave., Wylie, Crestmont, Westchester, etc. Apparently, Rose Rock has proposed a street light at Wylie and Main to help control the people coming in and out of their school. We believe this will only add to the traffic problem on Main Street, as well as, the side streets. It would become harder to enter Main Street from Foreman Ave. or Sherry. This neighborhood is already affected by Norman High School and Cleveland Elementary.
- **BEAUTIFUL, SERENE, HISTORIC NEIGHBORHOOD.** The changes proposed will disrupt this quiet, established neighborhood. Adverse effects include: **Traffic, Noise & Light Pollution**
- **PROPERTY VALUES.** We believe this will decrease the value of our homes. Our property values will be affected negatively which will impact the city's tax revenue from our area.
- **CHILDREN'S SAFETY.** The children are already at risk in this neighborhood walking to school because there are no sidewalks. They must walk in the streets. Added traffic will add to that safety risk.
- **ROSE ROCK SCHOOL HAS NOT BEEN COMPLETELY HONEST** with their intentions. They advertised a "preschool" for 35 students but in their filing with the city have included grades 1-8 with a maximum enrollment of 275 students. This makes of suspicious of future plans for the property.
- **ROSE ROCK'S FINANCIAL FUTURE.**

Respectfully submitted,
1519 Holliday Drive, Norman

Glen B Giles

Donna Giles

GLEN & DONNA GILES
1519 HOLLIDAY DR
NORMAN, OK 73069
7 MAY 2012

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-7-12 MC

RECEIVED
Development Services
MAY 07 2012
Time 12:20 By

NOTICE OF PROTEST FOR REZONING

Dear Norman Planning Commission:

The purpose of this letter is to make a **formal protest** to a request for rezoning at the following address:

1515 West Main Street
Norman, OK 73069

Our reasons are as follows:

- **TRAFFIC, TRAFFIC, TRAFFIC.** Although Rose Rock has proposed within their PUD application to add a traffic light at the intersection of Main and Wylie, increases in traffic will also be seen on the side streets of Sherry, Foreman Ave, Wylie, Crestmont, Westchester, and Barbour Streets (and probably others, too). We propose that additional sidewalks, speed bumps, stop signs, etc. would also be necessary should the school enrollment grow.
- **BEAUTIFUL, TRANQUIL NEIGHBORHOOD.** The increase in traffic will disrupt this quiet, established neighborhood. Noise pollution (cars and children) and Light pollution from the school would adversely affect perimeter neighbors. The neighbors near Cleveland Elementary School and Crossroads Youth and Family Services have already experienced this. There are no security lights included in the current site plan.
- **IF THE SCHOOL IS UNABLE TO FINANCE UPKEEP** our property values will be affected negatively which will impact the city's tax revenue from our area. Also, we fear mosquitoes and other pests such as rats and mice may become a real and horrible issue.
- **ROSE ROCK SCHOOL HAS NOT BEEN COMPLETELY HONEST** with the information they have disseminated through the newspaper and in their interactions with the neighbors. They have advertised a "preschool" for 35 students but in their filing with the city they have included grades 1-8 and a maximum enrollment of 275 (155 grades 1-4, 120 grades 5-8). This makes us suspicious of their true future plans for the property.
- **POTENTIAL FOR "DOMINO EFFECT".** We believe that once Rose Rock is in operation and if it grows as their plans state, they will badly need additional parking and traffic areas that are not allowed by their current site plan. Will the city allow border residences to be purchased by the school, razed, and used for parking? This would horribly impact the aesthetics of our area and be a detriment to property values.

Signed by: Wanda Helms
1225 Salsbury St.
Norman

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-7-12 MK

NOTICE OF PROTEST TO THE PROPOSED REZONING OF 1515 W. MAIN STREET

Dear Norman Planning Commission:

The purpose of this letter is to formally register our PROTEST to the proposed rezoning of the following address:

1515 W. Main Street
Norman, Oklahoma 73069

The main reason for this protest is: **Traffic Problems**

- Rose Rock School indicates that they need to grow to approximately 275 students in the next few years in order to pay back the loan they obtained to purchase this property.
- There is no way for them to accommodate this many parents dropping off children in the morning and picking them up in the afternoon, without creating major traffic problems on Main Street.
- In addition, this will put major traffic flow onto adjacent streets, including Wiley Road, Foreman Avenue, Berry Road, Sherry Avenue, Westchester Avenue, Holliday Drive, Mercedes Drive, etc.
- Foreman Avenue will be especially impacted because it enters Main Street only 150 feet to the east of the proposed school driveway and traffic light.
    - If a traffic light is put at the school driveway and 200-250 cars come by to drop off and pick up their children, the backed up traffic at these times will make it absolutely impossible for residents on Foreman Avenue to enter Main Street – in either direction: east or west!

Signed: L Dee Fink

L. Dee Fink

Name (printed):

Name:

Address: 234 Foreman Ave, Norman, OK 73069

Date: 7 May 2012

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-7-12 DM

PROTEST FOR ZONING

NOTICE OF OPPOSITION TO THE PROPOSED REZONING OF 1515 W. MAIN STREET

Dear Norman Planning Commission:

The purpose of this letter is to formally register our opposition to the proposed rezoning of the following address:

1515 W. Main Street
Norman, Oklahoma 73069

The main reason for this opposition is: **Traffic Problems**

- Rose Rock School indicates that they need to grow to approximately 275 students in the next few years in order to pay back the loan they obtained to purchase this property.
- There is no way for them to accommodate this many parents dropping off children in the morning and picking them up in the afternoon, without creating major traffic problems on Main Street.
- In addition, this will put major traffic flow onto adjacent streets, especially on Foreman Avenue which enters Main Street only 150 feet to the east of the proposed school driveway and traffic light.
    - If a traffic light is put at the proposed site and 200-250 cars come by to drop off and pick up their children, the backed up traffic at these times will make it absolutely impossible for residents on Foreman Avenue to enter Main Street – in either direction: east or west!

Robert R Sullivan

Name: ROBERT R. SULLIVAN
238 FOREMAN AVE.
NORMAN, OK 73069

Date: 5-7-12

Patricia Ann Sullivan

Name: PATRICIA SULLIVAN

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-7-12 PM

NOTICE OF PROTEST TO THE PROPOSED REZONING OF 1515 W. MAIN STREET

Dear Norman Planning Commission:

The purpose of this letter is to formally register our PROTEST to the proposed rezoning of the following address:

1515 W. Main Street
Norman, Oklahoma 73069

The main reason for this protest is: **Traffic Problems**

- Rose Rock School indicates that they need to grow to approximately 275 students in the next few years in order to pay back the loan they obtained to purchase this property.
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- In addition, this will put major traffic flow onto adjacent streets, including Wiley Road, Foreman Avenue, Berry Road, Sherry Avenue, Westchester Avenue, Holliday Drive, Mercedes Drive, etc.
- Foreman Avenue will be especially impacted because it enters Main Street only 150 feet to the east of the proposed school driveway and traffic light.
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Signed:

Jean C Holland Jean C Holland

Name (printed): Name:

Address: 327 Foreman Ave

Date: 5-7-2012

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-7-12 pm

NOTICE OF PROTEST TO THE PROPOSED REZONING OF 1515 W. MAIN STREET

Dear Norman Planning Commission:

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Signed:

Arletta Knight Fink — Arletta Knight Fink

Name (printed): Name:

Address: 234 Foreman Ave. Norman, OK 73069

Date: May 7, 2012

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-7-12 SM

NOTICE OF PROTEST TO THE PROPOSED REZONING OF 1515 W. MAIN STREET

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Signed:

Robert J. Kopecky

Name (printed):

Name:

Address: 517 Foreman, Norman

Date: 5/7/12

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-7-12

NOTICE OF PROTEST TO THE PROPOSED REZONING OF 1515 W. MAIN STREET

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Signed:

Ruth Medford — RUTH MEDFORD

Name (printed): Name:

Address: 1514 Sunset Dr.

Date: 5-7-12

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-7-12 TM

NOTICE OF PROTEST TO THE PROPOSED REZONING OF 1515 W. MAIN STREET

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Signed:

Phyllis V. Gage Phyllis Gage

Name (printed): Name:

Address: 437 Foreman Ave

Date: 5-7-12

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-7-12 mc

NOTICE OF PROTEST TO THE PROPOSED REZONING OF 1515 W. MAIN STREET

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Signed:

Becky Shaw — Becky Shaw

Name (printed): Becky Shaw — Name: Becky Shaw

Address: 1328 Barbour St.

Date: 5-7-12

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-7-12 TM

NOTICE OF PROTEST FOR REZONING

Dear Norman Planning Commission:

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1515 West Main Street
Norman, OK 73069

Our reasons are as follows:

- **TRAFFIC, TRAFFIC, TRAFFIC.** Although Rose Rock has proposed within their PUD application to add a traffic light at the intersection of Main and Wylie, increases in traffic will also be seen on the side streets of Sherry, Foreman Ave, Wylie, Crestmont, Westchester, and Barbour Streets (and probably others, too). We propose that additional sidewalks, speed bumps, stop signs, etc. would also be necessary should the school enrollment grow.
- **BEAUTIFUL, TRANQUIL NEIGHBORHOOD.** The increase in traffic will disrupt this quiet, established neighborhood. Noise pollution (cars and children) and Light pollution from the school would adversely affect perimeter neighbors. The neighbors near Cleveland Elementary School and Crossroads Youth and Family Services have already experienced this. There are no security lights included in the current site plan.
- **IF THE SCHOOL IS UNABLE TO FINANCE UPKEEP** our property values will be affected negatively which will impact the city's tax revenue from our area. Also, we fear mosquitoes and other pests such as rats and mice may become a real and horrible issue.
- **ROSE ROCK SCHOOL HAS NOT BEEN COMPLETELY HONEST** with the information they have disseminated through the newspaper and in their interactions with the neighbors. They have advertised a "preschool" for 35 students but in their filing with the city they have included grades 1-8 and a maximum enrollment of 275 (155 grades 1-4, 120 grades 5-8). This makes us suspicious of their true future plans for the property.
- **POTENTIAL FOR "DOMINO EFFECT".** We believe that once Rose Rock is in operation and if it grows as their plans state, they will badly need additional parking and traffic areas that are not allowed by their current site plan. Will the city allow border residences to be purchased by the school, razed, and used for parking? This would horribly impact the aesthetics of our area and be a detriment to property values.

Signed by: (please see attached)

PROTEST PETITION

Signed	Printed Name	Address
William A Russell	WILLIAM A RUSSELL	1317 SUNSET DR.
	Stephanie Foreman	221 N. Westchester Ave
Sandy Hasty Pruett	Sandy Hasty Pruett	422 N Sherry Ave
Bob C. Bowens	BOB C. BOWENS	1520 HOLLIDAY
	RICK HOLLAND	327 FOREMAN AV.
Glen B Giles	GLEN B. GILES	1519 HOLLIDAY DRIVE
Steve Foreman	STEVE FOREMAN	221 N Westchester
Jimmy Lambert	Jimmy Lambert	321 Foreman Ave
Barbara Kennedy	BARBARA Kennedy	126 Crestmont Ave.
DALE & JUDY SIMMONS	DALE & JUDY SIMMONS	224 CRESTMONT AVE
JAMES & Ly McKENZIE	James C McKenzie	1624 HOLLIDAY DR.
Eric Zemke	Eric & Sky Zemke	209 Crestmont Ave
~~Margaret Farmer~~ → Margaret D Farmer	Margaret D Farmer	337 Westchester Cir
Margaret Farmer	Margaret FARMER	"
Lance Lobban	Lance Lobban	233 Foreman Ave.
Barbara D Young	Barbara D. Young	1315 Salsbury St
	Matthew Leaf	1308 Glenwood
Jerry Timmons	Jerry Timmons	203 Foreman Ave
William T. Raison	William T Raison	140 Crestmont Ave
Lynn Diel	LYNN DIEL	1303 Salsbury Street
Dixie Seney	Dixie Seney	140 N Westchester Ave
LaDean Campbell	LaDean Campbell	245 Foreman Ave.
Anne Harp	Anne Harp	313 Foreman Ave.
Arletta Fink	Arletta Fink	234 Foremna Ave
Jim & Deanna Miller 1712 Holliday		Dr. JIM MILLER
James McHughes	216 N Sherry	JAMES McHUGHES
Marelyn Rose	HAROLYN ROSE	1307 Barbour
	GORDON E ROSE	1325 Salsbury
Michelle Arnold	Michelle Arnold	128 Foreman Ave
Mason Arnold	Mason Arnold	128 Foreman Ave
	Nathan Arnold	128 Foreman Ave
Lynna Thompson	Lynna Thompson	130 Foreman Ave.
Anita Jones	ANITA JONES	133 FOREMAN AVE
Wanda Helms	Wanda Helms	1225 Salsbury St.
Jean A. Cochrane	Jean A. Cochrane	230 Crestmont Ave.
	Rick Roby	219 Crestmont Ave.
	Rebecca Roby	219 Crestmont AVE
Bryan Goerchman	Bryan Goerchman	219 Crestmont Ave
Susan Warmker Parker	Susan Warmker Parker	225 Crestmont Ave.
Margaret Barbour	Margaret Barbour	208 Crestmont
Robert Orr	ROBERT ORR	204 FOREMAN AVE.
Alice McGrew	Alice McGrew	513 Foreman Ave.
Carolyn Pruett	Carolyn Pruett	110 N. Westchester Ave.
Naomi Robinson	NAOMI ROBINSON	112 N Sherry Ave

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OF THE CITY CLERK
ON 5-7-12 MC

Signed	Printed Name	Address
Debbie Raison	Debbie Raison	140 Crestmont
Philip Pelton	Philip Pelton	1309 Sunset dr.
Bridget F. Dikeman	BRIDGET DIKEMAN	1320 SUNSET DR.
Othel E. Allen	Othel E. Allen	1314 Sunset Dr.
Rhonda Grizzle	Rhonda Grizzle	1503 Sunset
Nicole Corrales	Nicole Corrales	1505 Sunset
Lee Strickland	Lee Strickland	1513 Sunset
Analee Ashley	ANALEE ASHLEY	1515 Sunset
Emma Marie Dragon	MARIE ~~ASH~~ Dragon	202 Darlene Ct
Kathryn Salyer	KATHRYN SALYER	220 FOREMAN CIRCLE
Libbi Holbrook	LIBBI HOLBROOK	216 FOREMAN CIR

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-7-12 TM

p. 3/4

Signed	Printed Name	Address
DOLORES SYBIA BIGFOOT		
DOLORES SYBIA BIGFOOT	DOLORES SYBIA BIGFOOT	119 N. FOREMAN
[illegible]	Clifford A. Sipes	119 Foreman

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-7-12 7M

P. 4/4

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

MAY 10, 2012

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 10th day of May 2012. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions twenty-four hours prior to the beginning of the meeting.

Chairman Andy Sherrer called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:
ROLL CALL

MEMBERS PRESENT	Dave Boeck Jim Gasaway Cynthia Gordon Tom Knotts Curtis McCarty Roberta Pailes Chris Lewis Andy Sherrer
MEMBERS ABSENT	Diana Hartley

A quorum was present.

STAFF MEMBERS PRESENT	Susan Connors, Director, Planning & Community Development Jane Hudson, Principal Planner Ken Danner, Subdivision Development Manager Roné Tromble, Recording Secretary Leah Messner, Asst. City Attorney Larry Knapp, GIS Analyst David Riesland, Traffic Engineer Terry Floyd, Development Coordinator

* * *

Item No. 8, being:
CONSIDERATION OF A REQUEST SUBMITTED BY SHANAH AHMADI FOR PROPERTY LOCATED AT 1515 WEST MAIN STREET.

8A. ORDINANCE NO. O-1112-36 – SHANAH AHMADI REQUESTS REZONING FROM R-1, SINGLE-FAMILY DWELLING DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT DISTRICT, FOR PROPERTY LOCATED AT 1515 W. MAIN STREET.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. PUD Narrative
4. Site Plan

8B. PP-1112-14 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY SHANAH AHMADI (PRIORITY LAND SURVEYING, L.L.C.) FOR ROSE ROCK ADDITION, LOCATED AT 1515 W. MAIN STREET.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Site Plan
6. Pre-Development Summary
7. Greenbelt Commission Meeting Summary
8. Greenbelt Enhancement Statement

PRESENTATION BY STAFF:
1. Ms. Hudson – The application is for Rose Rock School. They are proposing to go from R-1, Single Family Dwelling District, to a Planned Unit Development. Instead of using R-1 with a Special Use, they have gone to the Planned Unit Development request so that the staff can live on-site temporarily. The applicant is proposing a park-like setting for this development. The parcel is approximately 3.72 acres with about 2.6 acres set aside for open space. There are building setbacks established in the PUD with a 20' setback on the west property line and a 30' setback on the north property line. The proposed development is phased and completion is expected Spring of 2016. Although we have not seen a lighting schedule, the applicants will be required to adhere to the adopted Commercial Lighting Standards, which will require full cutoff fixtures. All traffic will access from Main Street. The existing drive will be widened, repaved, and improved for accessibility. A traffic signal is warranted and recommended to be installed with the third phase of development, which is approximately 2014. The applicant has also proposed a security gate at the entrance just off of Main Street, and the gate will be required to adhere to the City standards to allow for emergency vehicles to access the site. The parking count does meet the zoning requirement standards. The applicant acknowledges at times they'll need to accommodate additional parking for visitors when they have an event going on on-site. They have proposed that the open area on the south end of the property can be used for the temporary parking needs. Staff also discussed with the applicant's representative the need to make sure that no cars park along Main Street or in the right-of-way outside on the south end. This is the subject tract showing the existing zoning in the area. The light area is residential, R-1, and the red is C-2. The lighter pink is C-1.

I have some slides: south side of Main Street looking onto the site; on-site looking toward the house to the east; west property line looking southeast with Main Street in the corner; north property line looking south; east property line looking northwest with the house; east property line showing the trees; looking north; east property line looking south out toward Main Street with Wiley in the distance; looking north with the start of the circle drive for dropping children off, looping around and coming out toward Main; on-site looking west with the house on the right; at

the front of the house looking toward Main Street; at the entrance looking across at Wiley; at Wiley looking across to the entrance.

We feel like the PUD has established some safeguards that should minimize any adverse impacts on the nearby single-family residences. Staff does recommend approval of this request for the Planned Unit Development. I have to note that there were protests received -- 38.9%. There's your protest map with the pink area the protests and a letter of support, from the parcel noted in green.

2. Mr. Gasaway – Are there any regulations for parking on the grass area when there's a larger crowd?

3. Ms. Hudson – I checked with Legal and, because that is in their PUD, they have noted that as their suggestion to take care of the additional parking. If it goes through and the PUD is approved by Council, then that will be okay for them to park there during those times.

4. Mr. McCarty – Could you address traffic study in the area – what the City staff has looked at and what they're recommending?

5. Ms. Hudson – The only thing I can address is the fact that in my staff report I noted that the signal was required and that they did say that they would like it to be in at the third phase. I believe staff is here to answer any questions that you might have on that as well.

6. Ms. Pailes – Just to clarify, the nine spaces along the driveway is the only temporary visitor parking?

7. Ms. Hudson – There are actually 18 spaces on the site plan – or 21, possibly. That's what they're required to have. Parking is one per employee with adequate drop-off space for the children.

8. Ms. Pailes – The only visitor parking is along the driveway. Is that correct?

9. Ms. Hudson – Yes.

PRESENTATION BY THE APPLICANT:

1. Jack Eure, 1017 Kings Road and current homeowner at 210 North Sherry – I'm the architect for Rose Rock School proposed rezoning at 1515 West Main Street. I thank the Planning Commission, members of staff, neighbors and various supporters of Rose Rock School. Our design team includes Rizwan Najmi, civil engineer; B.J. Hawkins and Wayne Russell, traffic engineers; and Craig Outland, surveyor. We present tonight on behalf of Rose Rock School Foundation, a non-profit group led by Shanah Ahmadi. Shanah is going to share some introductory remarks for those unfamiliar with Rose Rock.

2. Shanah Ahmadi – I am the president of the Rose Rock School Foundation and also the kindergarten teacher and the founder of the school. Rose Rock School became a non-profit this past January, and before that we have been present in Norman as a sole proprietorship under the name of the Purple House. We have a thriving program. Currently there are over 40 children on the waiting list, and that's why we've been looking for a place to expand. At our current property only 11 children can attend. The program itself is play-based and relationship-based, caring for children ages 2 through 6. Play-based meaning that there is a lot of research that indicates that children learn best through experiential learning between birth and 6 years old. So they help with gardening and some simple cooking and playing and building and just generally enjoying themselves. That is why this property is so important, because of the large outdoor space that's available for them to explore. It's relationship-based meaning that I have been a caregiver for the past five years here and one employee has been there for three years

and a new employee has been there for a year now. The children grow over time with their primary caregiver and also with their peers. There is very little change in the student body. Typically these children will begin coming when they're 2 and carry on through their 6 year old time when they leave to go off to first grade. We're hoping that in the near future they won't have to leave to go off to first grade, because in the site plan we've indicated the possibility of building a 1st through 8th grade curriculum. That curriculum is Waldorf-based, meaning that there's an emphasis on ecological stewardship, healthy social relationships, and the teacher takes the time to attend to each student's individual needs. It's a classical education, but it's individually customized to expound on the student's strengths and to meet them where they struggle and to help them through that struggle. Whenever we would expand to our 1st through 8th grade we would bring in a teacher and that teacher remains with the same class from 1st through 8th grade. That is how they're able to adequately customize the education to meet the child, and also to get to know the parents really well over that time. It's a tight-knit community of families. This is a picture of a festival that we recently had at the new property. It's a Maypole festival; it's very beautiful. We have about four to six festivals a year, and we're planning on inviting all of the neighbors in the area always to attend as we want the children to know that there's a life beyond the borders of the community and that they're open and accepting and loving.

3. Jack Eure – Rose Rock was drawn to the property at 1515 West Main Street out of a spirit of stewardship and preservation. Rose Rock's plans call for setting aside 68% of the property as dedicated green space. The site has numerous mature trees. This plan calls for the preservation of almost all of them. So, in listening to what follows, I ask that the audience consider that Rose Rock is an owner devoted to stewardship. Ours is a design team experienced in historic preservation. I don't have to tell you that most other owners would be mostly driven by profits and have less regard for preservation. So if you like the property as it is, and you would rather not see it become a strip center or apartment buildings, then please join us and support the proposed rezoning for Rose Rock School.

This image shows you the 3.27 acre site, the surrounding homes, the frontage along Main Street. I'd like to offer a few remarks about the site plan. The major elements include the buildings, the paving, and the green space. The existing home is here. Plans for the existing home are for careful preservation in keeping with the international style architecture. The home dates from the 1930s. Proposed grades 1 through 4 are planned for here. Grades 5 through 8, plus gymnasium, are proposed here. The paving overlays the existing and, as Jane said, widens and improves it. The way that this drive functions is important for tonight's discussion. It's two-way up to this point, aligned with the traffic signal proposed for Wiley Road to allow for safe passage of pedestrians across Main Street. When you get to this point, the round-about becomes one-way, but it remains two lane. The inner ring is for traffic that keeps moving. This is kind of like going to the airport. The outer ring is for cars that pause for drop-off and pick-up of kids. Beyond that, there is staff parking, and this is visitor parking as well as staff parking. On those occasions when Rose Rock plans for festivals or for other events – dramatic performances, that kind of thing that require abundance of parking, there are a couple of options planned. One is parking as we described in this field at the southern portion of the property. For events which require even more parking, we have an agreement with the owners of the parking facility at 24th and Main, which has Hastings Video. So that would be proposed shuttle service. In other words, Rose Rock is committed to respecting the tranquility of the existing neighborhood and through communication with parents and other attendees plans to prevent any unwanted intrusion of traffic into the surrounding neighborhood. Green space is our third main element. This project calls for setting aside 68% of the property as green space. You have this big activity field for playing sports. You have another field here and then another one here that kind of stretches along the eastern property line. The character of the site, in keeping with Waldorf tradition, is going to involve careful cultivation of landscape. We're anticipating turf grass for fields. We're talking about lots of gardens, native and drought-tolerant plants, flower gardens – these sorts of things.

Our development plan is divided into four phases. Phase 1 is to bring the current building up to code, beginning in Fall 2012. This will entail 35 students and 5 staff total. Phase 2 is to enclose the third floor roof deck, add an elevator and fire stair, add fire sprinklers, and this is the beginning of 2013 – brings the total to 65 students, total staff 7. Grades 1 through 4 beginning 2014, total 155 students and this is about 30 students per grade; total staff 14. At this stage we will also add the traffic signal and two out of three fire plugs. So there will be a fire plug here and another fire plug here. The final phase, Phase 4, adds grades 5 through 8 with a second story gymnasium. This is projected as 2016. Total 275 students; total staff 18. At this stage we will also add the third fire plug. Elevations. The existing home, again which dates from 1930 – concrete construction – is planned for careful preservation. The proposed addition – and this would be the view that you would see from Main Street, so this is the south elevation – respects the lines and the height of the existing building, while adding additional height as needed for the function of a basketball gymnasium on the second floor. Why is the gymnasium on the second floor? Well, we could have put it on the first floor, but that would have gone against our principle of preserving green space as much as humanly possible on the site. We could have added a great deal of additional parking as a similar sort of thing, but Rose Rock is committed to conserving green space on the site.

Riz Najmi, our civil engineer, will address this in more detail, but I wanted to point out this playing field in the northwest corner doubles as site drainage. I wanted to point out, because of the careful design of this facility, that there will be no additional storm water outflow from this site over the current conditions. I'd like to say a few words about dialogue. Our design team, Rose Rock's board of directors, the parents of Rose Rock, invite dialogue with our respected community members in an open and collaborative process. We will continue the process of dialogue tonight and we welcome it. I'd like to speak in particular to one concern that we've heard related to the change of plan from pursing R-1 to Special Use PUD. The City's Planning Department requires a Pre-Development Meeting during which City and neighbor comments and concerns are addressed. Rose Rock was initially encouraged by City staff to pursue a modified Special Use R-1 zoning. After the Pre-Development Meeting, City staff recommended pursuing a PUD zoning instead. Why? Because Rose Rock's plans include a temporary period during which two staff members will reside in the third floor of the existing home. That is not allowed under an R-1 Special Use Permit. A PUD was required in order to match Rose Rock's plans with the City's zoning system. A PUD, unlike an R-1, also requires a PUD Narrative and a long-range projection of growth. So the long-range growth projection for the school of 275 students was a part of the PUD Narrative, but the more short-term estimate of 50 students was given at Pre-Development in keeping with the requirements of that zoning category. Once Rose Rock began abiding by the requirements of the PUD, writing the narrative for a phased development schedule, they put a finer point on their long-range plans and brought them into focus. Rose Rock has been honest and forthcoming at every step of the process. Many of the concern we are hearing stem from what seems to be a lack of familiarity with the City's zoning regulations and processes. The City developed Pre-Development meetings, as Jane Hudson said, are intended to identify and address concerns early on in the process and allow applicants time to address those concerns.

At this time, I'd like to turn things over to our civil engineer.

4. Riz Najmi – I'm the civil engineer on this project. I reside in Oklahoma City and I'm a licensed civil engineer in the State of Oklahoma. To begin with, I would say that City of Norman and City of Edmond are a civil engineer's nightmare to design with because of the stringent laws and the way they impose those laws to be implemented in the design. So when reading these comments of the protest letters that the neighbors had, a couple neighbors had the concern that this would be a drainage hazard. Well, the City won't let that happen. The City has such stringent storm water regulations that not a drop of water – when I say drop of water, this is literally worded as per design – allowed to exceed the pre level of runoff of the site was. Whatever the site was producing in terms of runoff before it was developed is what it will produce after development. The rest will be held on the site, and that's why we have those

green spaces and the retention basins. One of the biggest myths about a retention basin is that it is a breeding ground for mosquitoes. That happens when the retention basin is a wet pond where there is water stored in there at all times. This is an example of a dry detention basin. It looks nothing more than your back yard or front yard. This is all it's going to be at any given time, except when it rains. Obviously, when it rains, water is going to collect in this slowly for a couple hours – two – three – four hours – depends upon the discharge rate that's demanded for the site, and then goes out to the discharge structure and then, after a few hours, it again gets back to this normal state. So for a majority of the time, the site is going to look like this. There is not any standing water to provide a breeding ground for mosquitoes. There is not any hazard for children out there for drowning or any of that conditions. This is just a plain back yard. I've done designs where they had football fields – the detention basins would be used as football fields at other times except when it rains and it's a catchment area. The primary concern I had here was to make sure the people understand that this detention basin or the drainage on this site is not going to negatively impact any of the neighbors downstream. And downstream is a problem. Upstream no one is going to have any issues. Downstream of this development every measure is going to be taken and the City will make sure that we follow all the bylaws that the City has to ensure that the neighbors downstream are protected from any surcharge of this water. Going back to the site that we have, this is what we have planned for this development. This is a detention basin, and this here is a very shallow detention area – I won't call it a basin, because the depth is like 6 inches deep. You need to imagine it's like your curb. That's how deep it is comparative. You won't even feel this depression, but this will act as a major detention basin when it rains. Water will be carried through this channel here along the west of the building back into this detention basin, which again will be just green turf at any given time, except when it rains. Then it goes back to the natural point of discharge. When I say natural point of discharge, know that this is the point where the site drains right now. We will make sure that water will go out of that site at that point. Again, I want to make sure that I make it loud and clear that we will not be negatively impacting any of the downstream neighbors with this development. I think that was the major engineering feature of this site. Apart from that it's all paving and grading as per the City regulations. I don't think anybody has any issues with the pavement. The pavement was there to begin with. We'll just make sure we'll enhance it and make it a better pavement in this location. If anybody has any questions or concerns about the design, I would be more than happy to talk to them and clarify them at this time.

5. Ms. Gordon – That main field in the front is where you're going to have overflow parking. Correct? Is that right?

6. Mr. Eure – There will be two types of events that we foresee. One in which that site is appropriate for the event. There may be events where that field is occupied by activities. So in that case an agreement has been made with off-site parking and shuttle service.

7. Ms. Gordon – The placement of the buildings – particularly that large building on the west side. Is that just for aesthetics? Or was that because of drainage?

8. Mr. Eure – There are many factors that go into building placement. Among them was a goal of preserving. One thing we've learned during this process is this home and this property is much beloved by almost everyone that we talked to. People know about this property. They like this property quite a bit. So our intent was to preserve this row of trees, this green space, and to preserve the existing home. When you start setting aside big blocks of green space to preserve them, and then you start to understand where site traffic needs to occur, if you're trying to align with Wiley Road, for example, you're left with the northern half of the property. We designated this area at Riz's recommendation for site drainage. That area needed to be set aside. We also wanted some outdoor space in this corner to provide for grades 1 and 2 over here. So every grade looks out onto green space in this configuration.

9. Ms. Gordon – So, if I'm hearing you correctly, the decision to put that building on the west side was to maintain, essentially, the aesthetic quality of the property and the original home site kind of for the people of Norman.

10. Mr. Eure – Yes. One thing I would point out that I failed to mention before is that, in putting the gym on the second floor, there are no transparent windows in that level that look out onto people's yards. So that need not be a concern in terms of privacy.

11. Mr. McCarty – I suppose you have a written agreement from the shopping center that allows for parking.

12. Mr. Eure – That is in process. We have the agreement in the works. We have been addressing these concerns kind of in an ongoing process.

13. Mr. McCarty – What happens if the shopping center changes owners after you get an agreement? What's your plan for parking?

14. Mr. Eure – I think that we would begin interviewing other off-site parking owners if that were to be the case.

15. Mr. McCarty – And this shuttle service is something that the school was going to do?

16. Mr. Eure – It's going to be on a contract basis.

17. Mr. McCarty – Is that something important that the City needs for the PUD is that they have an agreement for parking? Is that important for us to have?

18. Ms. Connors – I think City Council is going to want, perhaps not the final document, but it would be a condition of approval that they probably gain that before a the plat is recorded.

19. Mr. Knotts – Is this house on the Historic Register?

20. Mr. Eure – It is not, but we are exploring putting it on the National Historic Register.

21. Mr. Knotts – And you feel that these alterations are compatible with that?

22. Mr. Eure – Yes.

23. Mr. Boeck – This gets into standards for designing schools. When you have 275 students, that's a lot of students. It's bigger than Lincoln, in terms of the number of students, and I think of all the elementary schools around, there are standards for cafeterias and certain size gymnasiums and space. Certain sizes for activities. You talk about all this green space, but to house 275 students I don't see how that can be done with the standards that I've used to design schools before.

24. Mr. Eure – State standards on a per square foot basis in Oklahoma require 30 square feet per student. We've allotted 50, in keeping with the Texas and New York standards. So, not only have we met, but we've exceeded by a pretty wide margin.

25. Mr. Boeck – When you say 50 square feet per person, what does that include?

26. Mr. Eure – Well, that's actual classroom space. In addition, there are central multi-purpose halls in both wings. Grades 1 through 4 has a central hall that accommodates dining. Grades 5 through 8 has a central hall as well that accommodates dining. There are multi-

purpose type spaces with a great deal of flexibility designed in. In addition, the gymnasium on the second floor, which is not a required space, adds a ton more square footage, a great deal more flexibility for dramatic performance, for athletic activities. So, again, the goal was to not just meet, but to exceed standards.

27. Mr. Boeck – Okay. Say you have a basketball game. I don't know if you'd have a basketball team or basketball teams and family and friends come to watch a basketball game and an out-of-town group comes to watch a basketball game. Is there space in this for bleachers and, again, would this be using the parking down the street to take care of all the needs for that kind of thing, because that's a standard part of school activity?

28. Mr. Eure – The short answer is yes. To the extent that any activity requires parking in excess of what we can provide on-site, Rose Rock will provide that parking off-site. Yes, the gymnasium includes room for bleachers.

29. Mr. Gasaway – Is there a central kitchen built in? Is there room on the circle drive for the delivery trucks that will bring the food to turn around?

30. Mr. Eure – There is. The turn-around is sized for the longest emergency vehicles and delivery trucks that will ever visit the site.

31. Ms. Pailes – Out of curiosity, where are the dumpsters located because, again, those have to be picked up by the big truck.

32. Mr. Eure – This is the area for trash collection right here. Rather than go with dumpsters, part of the Waldorf pedagogical approach has to do with the conservation of resources. There is going to be a lot more recycling than is probably normal. The trash flow is anticipated to be less. The existing property has cart service. It will be expanded as needed to accommodate trash flow.

33. Ms. Pailes – Then a question for staff. R-1 Special Use prohibits people living on site?

34. Ms. Connors – Yes, it does.

35. Ms. Pailes – It seems ironic for an R-1 designation.

36. Ms. Connors – Well, the special use is for a school, and that doesn't allow. We looked a great deal into that when this first came forward.

37. Ms. Pailes – Because I can see an objection might be to the PUD designation, since – I wish Waldorf well, but schools fail, and should it fail then a PUD ...

38. Ms. Connors – It would have to come back for a zone change. There is no other use allowed in this Planned Unit Development except school. That's its sole land use allowance.

39. Ms. Pailes – Then the last question. My kids attended Lincoln which would be a relatively analogous student body. I just don't see the parking suggestions working. You're bound to have very involved parents – that's kind of the nature of this school. I just don't see this working, because I'm familiar with where parents park. You're carrying costumes. You've got young siblings. It would be my guess they're going to end up parking on Foreman Avenue if there's not accommodating on-site parking. It's a lovely design, but it seems to me that designating on-site parking for parents might be recognizing the inevitable. The shuttle is a wonderful idea; I just have an idea that a lot of parents would short-circuit that and park in the neighborhood. I don't

know the parents and neither do you. I think it would be better to say, look, parents need to park right near to the school and we have to designate land for that function.

40. Mr. Eure – We have B.J. Hawkins and Wayne Russell, with Traffic Engineering Consultants, who have done a professional study of traffic flow and the parking requirements of the site, and they will speak to this in more detail right after this. But a couple of points to that. One is that, in terms of on-site parking, again, it's an important Waldorf value that green space be preserved. It's an important neighborhood value that green space be preserved. If we were up here proposing a 200 count parking lot, we would be fielding objections about the amount of paving, perhaps, I would suggest. What we have discussed as a design team and as a school is that Rose Rock will be firmly behind the policy of disallowing parents to park on Foreman or in the surrounding neighborhood. Period. That goes into the PUD Narrative. In that sense, it's binding. For those activities that require more parking than this site affords, we have made arrangements.

41. Mr. Lewis – I have a follow-up, and actually it's from comments that Commissioners Pailes and Gordon made, in regard to the green space. I applaud Waldorf's values of keeping green space beautiful – of great landscaping. I mean, the presentation that you've given makes it look like a beautiful garden. But common sense comes into play here and it says that if we're parking on the grass, how often are we parking there and is it going to turn into something that looks like Reeves Park after one of the events we have down there? I have great concern that after one event or two events or even three events all you're going to have in that front yard is dirt. So that's kind of an oxymoron for me, when you're saying we're going to have beautiful green space but yet we're going to park all these cars on it, which is going to kill it. Can you please explain that to me?

42. Mr. Eure – Well, I think to some extent I'll be repeating myself. But I will say that we will work with the City to address that concern. I will offer my traffic engineers to comment on it as well.

43. Mr. Lewis – Okay. Help me understand. When you park a car on grass, it kills it. What is there to explain? Do you see what I'm saying? We're using a green space for a parking lot, but yet we have these values of keeping the gardens beautiful for the neighborhood, specifically. It just doesn't make sense we're going to park cars on that and actually kill the grass.

44. Mr. Eure – Right. I understand your point and I appreciate it. There are no gardens, as such, planned for this space. This field is designated for athletic activities. Rose Rock is very mindful of its grounds and of its landscape and of its turf and of the conditions and of those sorts of things. So after a heavy rain, for example, that would probably be grounds to have off-site parking for events. Again, I think that to understand this design, one must also understand the Rose Rock culture. The current, admittedly small, student body of Rose Rock involves about half the parents either walking or biking to work daily. This is a group that is very passionate about resource conservation and so this site plan may look strange and unfamiliar to those accustomed to conventional development. The PUD process, I would suggest, is designed precisely for the kind of development that doesn't pursue the normal path. Does that, in any way, answer the question?

45. Mr. Lewis – Being very candid, unless your cars levitate, you're going to be parking on the grass and it's going to kill it. If we're in the middle of summer, we're not in a rainy period, then chances are what you're going to end up with is a dirt pile. I just have great concerns about the parking proposal.

46. Mr. Eure – What I can tell you is that our design team will meet together with our civil engineer and we will address the concern. I know that there are designs – very expensive design solutions that exist for just this problem. Turf paving units – permeable paving units that

allow grass to grow up in designated areas. So we can look at some options. Like I said, I can assure the Planning Commission that we will work with the City to address the concern.

47. Ms. Ahmadi – As Jack stated earlier, the parent body is very committed to car-pooling, walking, and biking. A lot of them are interested in pursing this particular property because it's centrally located and it makes it actually easier for even more people to use a pedestrian mode of transportation to get to work juxtaposed where we are now which is a little bit more out of the way for certain people. To be clear, we won't be having events every weekend. So, like I stated at the very beginning, the typical event schedule is we would have four festivals a year and we'll say that 25% of the people would carpool or bike or walk. In the event that it looked like the lawn was taking a heavy hit, I'm sure that all of the staff and parent body would be committed to just avoiding that activity, because no one wants it to be ugly. The aesthetic is very, very important to us and it's actually kind of critical to the curriculum to surround the children and the teachers with beauty.

48. Ms. Pailes – I know you told us this. I'm just blanking. The fence along the front paralleling Main – how tall and made out of what?

49. Mr. Eure – What we've discussed at this point – and, again, we're kind of at a very early stage in the process. Things have not been precisely nailed down. But what we have discussed in general terms is a fence that preserves the transparency of views from car level height as you're going along. That doesn't mean chain link. It may mean kind of a higher end gridded steel fence that allows for the growth of some vines and flowering plants, which would serve the purpose of a fence and, again, still provide visual connection between Main Street and the property.

50. Ms. Pailes – How tall?

51. Mr. Eure – Four feet.

52. Ms. Pailes – I know team sports aren't a big deal with Waldorf, but you wonder about balls sailing over the fence and onto Main Street. So maybe four is not quite high enough?

53. Mr. Eure – Perhaps. We'll discuss that. Concern noted.

54. B.J. Hawkins, 404 S.W. 171st Street, Oklahoma City – I'm a traffic engineer. We conducted the traffic impact study, which was conducted on the standards which are approved by the City of Norman. We started by collecting existing traffic data at the intersection of Wiley and Main. This was done by peak hour turning movement counts, during the a.m. and p.m. peak hours, and setting two 24-hour volume counts on each leg of the intersection. We projected the traffic out to 2016, which is full build-out of the project, using a 1.25% annual growth factor which was given to us by the City of Norman. We generated the traffic for the school based on the Institute of Transportation Engineers Trip Generation Handbook. It's kind of hard to see, but the numbers do not equal out to one vehicle per student, just based on car-pooling, families having more than one student per household – but these are all given in the ITE trip generation book which is now nationally accepted throughout our industry. The trips were distributed at the intersection based on anticipated usage and we added the site trips to the 2016 projected trips for our review and analysis. Our analysis found that in 2016 it was a level of service F turning out of the school. We did a traffic signal warrant analysis and it was determined that under the 2014 traffic, which was Phase 3, it did meet the peak hour volume warrant and with a traffic signal in place it would make the levels of service acceptable, and back to the original levels of service which are out there today. We do not anticipate any vehicles backing up on Main Street from the east, and any vehicles that might stack up from the west have about 800 feet of the 5th lane (the center lane) on Main Street in case they did need to stack up. The school has also looked

into staggering the times for the classes, which would further ease any delays or anything at the intersection. I don't think anything is set in stone, but it's something they are exploring. Just to put this school in perspective – the size – this is 275 students. The nearby Cleveland Elementary has 551 students; Jackson Elementary has 520 students; Alcott Middle School has 680; and Norman High School has 1700 students. So this is quite a bit less than any of those and even half of the competing elementary schools in the area. As far as the parking, Wayne Russell is going to address that.

55. Wayne Russell, 3917 Annalane Drive, Traffic Engineering Consultants – I think, Commissioner Lewis, your point about parking on the grass and killing it is absolutely right. I think what we anticipate having to have happen is some maintenance, especially if there's going to be some sports – and I don't know what it would be – maybe soccer or something like that. If they're going to do that, you can't do that on a dirt field, either. There would have to be some ongoing maintenance for them to be able to make sure that that's a good field to play sports on, as well. So I think there's a drive to do that from another standpoint. In other words, to be functional for that, it would need to be maintained, much like any grass football field is. It's got to be maintained, because it wears down. With the parking, I think the point you're getting at, Commissioner Pailes, is that the school won't have a lot of control over people that come to the sporting events. What the school does have control over more is the people that go there – the parents that are bringing their own kids there. I think those are the ones that they could expect to say don't take up parking spaces onsite. You can go to the shuttle place and I think that they would probably have some pretty good compliance from the parents of the students. If you get the parents of the students parking off-site and taking the shuttle it leaves virtually all the parking onsite that could be taken by visitors. We're not looking at a Norman High football game type traffic anyway. I think the sporting events would not see the kind of traffic that's going to overflow an entire neighborhood. But I think you're right. Without a sign there, there's no way to make them not park there. As far as it behooves the school, I think they would try to control the people that they have control over, and leave the parking – they'll park onsite before they would go to a street, anyway. So as long as there's some parking onsite, that's the closest place and traffic will always go as close to the front door as they can get.

55. Mr. Gasaway – Mr. Hawkins, you mentioned you didn't anticipate any backup onto Main Street, especially going east. I've had some experience picking up kids for an after school program at Community Christian and they're exceedingly efficient there getting kids into the cars. They have a hired traffic person in the street outside the school and several teachers almost literally stuffing kids into the cars as fast as they can go, but when that starts there are cars backed up for 3 or 4 blocks parked on the street, all trying to be first to get their kids, and we're sitting there for 10-15 minutes blocking that street. How could it not back up onto Main Street? Let's say you had even 200 cars.

56. Mr. Hawkins – From the east we are only projecting 33 cars in the a.m. and 18 in the p.m. picking up the students. With the teachers and stuff directing traffic and staggered let out times, it should be able to alleviate any delays, especially from the east where you cannot, obviously, stop on Main Street.

57. Mr. Eure – I just wanted to mention that B.J.'s studies preceded the point where Shanah proposed, in response to neighbor concerns, I might add, a staggered drop off/pick up schedule, where each grade is staggered 15 minutes. So, according to that schedule, the day begins earlier for 8th graders and then 15 minute increments steps down to the younger kids on site. By this policy, there is anticipated to be no more than a peak of 70 kids dropped off at any given 15-minute increment. I just wanted to add that.

58. Mr. Hawkins – Additionally, there is around 300 feet of stacking from Main Street all the way to the traffic circle that vehicles could sit and park along and then, obviously, along the circle where teachers will be lining up, getting kids in and out as quick as possible.

59. Mr. Sherrer – Let me make sure I understood that correctly. You said that there would be 33 at the peak time, but then you said there's 70 students.

60. Mr. Hawkins – Total students. I'm talking about percentages – if you broke them up into percentages from each direction. Once again, I'm talking about trips instead of students. Like I was saying earlier, one student doesn't always equal one trip.

61. Mr. Sherrer – I guess that's my question. Quantify how you arrived at that kind of a percentage of cars versus students.

62. Mr. Hawkins – It's just based on that trip generation handbook that we use in our profession.

63. Mr. Eure -- I know there are some parents and friends and supporters of Rose Rock who have turned out tonight who may need to get their kids home. I wanted to allow them an opportunity, those who support the rezoning, if you'd like to stand right now, just for a moment and raise your hand. And if you need to go, that's fine. Thank you.

AUDIENCE PARTICIPATION:

1. Nancy LaGreca, 1017 Kings Road and a current homeowner at 210 North Sherry Avenue – I've been a resident of Norman for eight years. I own a house a few blocks away from the property under consideration on North Sherry Avenue. As a property owner of eight years in the surrounding neighborhood, and someone who loves the neighborhood very much – Towne and Country Estates – gorgeous neighborhood – someone who cares about the property values in this matter, I would like to speak strongly in favor of the proposed rezoning for Rose Rock School. I've read the letters of protest against the rezoning and I would like to address the two most frequently voiced concerns in the letters – traffic and property values. We've already heard from our traffic expert, but I just want to emphasize he's a traffic engineer who performed the consultation – B.J. Hawkins. B.J. works for Traffic Engineering Consultants, the leading traffic consulting firm in Oklahoma City. These people are professional engineers who have spent years studying consulting regarding traffic flow. They analyze traffic every day – it's their job. They're not casual observers who make decisions on the basis of suppositions, the way you or I might. Back in April, B.J. confirmed that traffic will not present a problem for the school or the neighborhood. Since then, as we've heard, Shanah has developed the staggered drop-off schedule. As we've heard, traffic will be even less of a concern because the current make-up of parents whose children attend Rose Rock, roughly either half of them walk or bike their children to and from school, because many of them are concerned about the environment, they enjoy the exercise and fresh air, and they live close by. In sum, I do not feel that the traffic is going to be an issue here. So, to address property values and cleanliness – I can roll them into one. As a homeowner in the neighborhood, like many of you, I have an interest in the value of our property. That is why I was very excited and happy to know that Rose Rock School was planning to move to this location. Waldorf schools pride themselves on the beauty and cleanliness of their facilities. If any of you has not visited the current Rose Rock School, it is so tidy and clean and appealing that when I first visited I wanted to attend as a student myself and joked with my husband that I'd like to stay overnight and just live there. Waldorf schools have an international reputation for figuring among the most desired and sought after educational facilities in the world. Rose Rock will attract professionals and educators from across the region who want to entrust their children to the best possible educators. This, my friends, is good for Norman. It is good for the values of our homes. For hard evidence regarding the positive effect of Rose Rock on our property values, we can cite the word of Judy Hadley, real estate agent of

unrivaled experience, who is instrumental in the establishment of Norman's historic districts. Judy is confident that the school will, in fact, raise our property values. What will happen if the citizens and protests are successful in blocking the current rezoning process? I'm sure all of you have seen the typical types of development on Main Street. If we look around, it's dominated by parking lots and strip malls that have no regard for preserving green space or lovingly maintaining historic architecture. Rose Rock School is dedicated to preserving the trees – the green space – this historic architecture. They're our allies because they are trustworthy stewards of a beautiful property in our neighborhood. To those of you concerned about this rezoning, I ask you for the sake of our property, the quality of life, to get behind Rose Rock with your support, because your opposition increases the chance that we will end up with some of the prospective buyers – 7-11, strip center, high density apartment buildings – at 1515 West Main Street. Thank you for your attention and the opportunity to voice my positive support of Rose Rock.

2. Dee Fink, 234 Foreman Avenue – I would like to clarify what my concern is and what it is not. The concern that I feel, and most of the neighbors that I've talked to, is not about the school. If I had a young child, I would consider sending them to that school. The concern is not with the school. The concern is with the proposed number of students and the traffic problems that are going to result from that, given the size of the lot and the configuration of the streets around there. I think there are two root problems. The first is this is a small lot for 275 students. If the school stopped its growth at the end of Phase 3, with 150 students, I would remove my opposition. But when they're going up to 275, I feel that's a concern. The second root problem is the configuration of the streets. Around Main Street and that driveway, there's only one other street nearby on the north side of Main Street, and that's Foreman Avenue. I didn't realize we had powerpoint tonight, so I made my own pictures and I'll pass them around to you. You can keep them for a record. This is a picture of Main Street showing the driveway and only 50 yards away is where Foreman Avenue is. So it's close. It's the only street close and on the north side. So the question that's been raised already is what are parents going to do when they come in to drop off their school kids in the morning and pick them up in the afternoon? To help answer that, I went and looked at some of the other schools around that I think are comparable. One is Cleveland School just to the north of here. It's bigger, as has been pointed out. Not quite two times bigger, but bigger. But notice they also have their children bused in. It's a neighborhood school; people do walk in. Still, when you go out by that school at pick up time there are cars parked for 15-20 minutes ahead of time on all five blocks leading up to that. Here are two pictures of those showing cars parked – one on Iowa and one on Bryanwood – for quite a while before and after pick up time. That's even with busing; even with people walking in to a neighborhood school. That's five side streets going into that school. This one only has one – Foreman Avenue. The other comparable school I think is CCS. Again, about twice as large. But it's comparable to Rose Rock in that they're not bused in and they don't have walk in – they're out on the north side of town and people drive in for most – you've mentioned that already. But the lot for that school is humongous and much, much bigger than this lot for Rose Rock. They have very large parking lots on three sides of that building. As Jim mentioned, it's very well-organized. One lot is for the preschool, one lot is for the junior high or whatever, and one lot is for the high school. Still, at pick up time traffic is blocked. I have some pictures here. One just to show you what the lots are. This shows one of them. This other picture can show you – by the side you can see all three lots. Much, much bigger. They've solved the problem by just simply having large parking lots. So my prediction what's going to happen at Rose Rock at drop off time and pick up time – the parents are not going to be able to drive through that driveway and park and wait for their kids – 275 kids. I don't know how many cars are coming in. My best guess is it's somewhere between 150 or 200 are going to be coming through there. If you have multiple kids per family and some carpooling. What they're going to do at Rose Rock is exactly what they're doing at the other schools. They're going to park on the side streets and either drop off their kids and go over to school or park there and let them come over and meet them at the car. But, in this case, there's only one nearby street and that's Foreman Avenue and

that's going to back up. You take that three blocks or whatever and back it up on Foreman for all those five blocks around Cleveland – that's going to be a lot of cars on one street. I think there is going to be a major, major traffic problem at pick up time and drop off time. Thank you.

3. Dr. Arletta Knight Fink, 234 Foreman Avenue – I moved into that address on December 12, 1975, which means this is my 37th year in that house, so I know the neighborhood very well. Let me begin by saying that, as neighbors, we are not opposed to Rose Rock School, nor their curriculum. What we are opposed to is the rezoning from R-1 to PUD. Everyone knows that once the property is rezoned it will never return to R-1 and, with a PUD, it is one step closer to being rezoned to commercial. We've already experienced commercial rezoning when a gas station was built over the back fences of the houses on the east side of the 100 block of Foreman Avenue. There can be no quality of life when you cannot go into your back yard and have a picnic because of the gas fumes. That's how close the gas station was. The gas station is finally gone, but we don't want to go down that road again with anything zoned commercial around the neighborhood. The neighborhoods in our area, for decades, have been incredibly stable and very desirable neighborhoods in which to live. Typically the only time a house is available is when the homeowner has passed away and then most houses are sold before they ever go on the market. In fact, our area is so appealing that four individuals who grew up on Foreman Avenue and Holliday moved back and are now living in their family homes as adults. Our concerns about PUD moving to commercial are very real concerns because no one can say with any degree of certainty that Rose Rock School will be successful. They have a $900,000 plus note that must be paid off and additional phases will cost well over $3 million. That's a huge gamble for a group that we don't know anything about their track record and someone who is at the very beginning of their fund-raising. If they gamble and lose, they just pack up and move away. The rest of us are left to face an almost certain fight with a developer who will seek to rezone the property to commercial, and we could be facing another gas station in our back yards. We, as property owners, do not speak of the possibility of the school's failure lightly or maliciously – just honestly. The main reason we bring it up at all is because of the plight of an earlier private school. Some years ago a group of concerned individuals created such a school. It was an excellent school and was named after one of the most beloved, admired and respected educators in our area – George Lynn Cross. The future looked very bright, but over time enrollment declined and the school closed. If a school of that caliber can close, any school can close. That's just one more reason we are so fearful that, if the school fails, the second push for the property would be commercial and we could be dealing with a strip mall, a Sonic drive-in, or, God forbid, another gas station. I do not mean to be disrespectful or unkind. But given the possible scenarios we've presented here, we find it very, very hard to understand why we, the residents who have spent thousands and thousands of dollars and many years of our lives purchasing and maintaining our homes, have to be subjected to the negative impact a PUD can have on our neighborhood, all because one teacher and her family want to live on the property temporarily. Hear me out. That is the only reason the property has to be rezoned to PUD. That is so one teacher can live there. We are not understanding what taking up residency there has to do with the school. At our preliminary meeting, no mention was made of anyone living in the school. They were only requesting special permission for the school which requires no rezoning. We feel that they used bait and switch. It is totally unjust to put at jeopardy entire neighborhoods in order to accommodate one teacher and her family. We implore you to vote no to the request for rezoning from R-1 to PUD. Thank you very much.

4. Sherri Irvin, 636 E. Boyd Street – I'm a homeowner in Norman. I came here 7 years ago to become a faculty member at OU and I have a child who has attended the Rose Rock School since he was 9 months old. He has been there for a little over 3 years now. I can say without exaggerating and without reservation that the Rose Rock School is the best early childhood care center in Norman. I say that having done extensive research, knowing the community of Rose Rock very well, knowing many other families who wish that their children were at Rose Rose. As Shanah mentioned, there is a very long waiting list, and I think there are even people who

haven't bothered to get on the waiting list because they know that it is so long. The Rose Rock School has a very strong commitment to positive relationships among children, between caregivers and children, and with surrounding communities, and the Rose Rock School's mission really is to create a community. There's a really strong drive for sustainability at the Rose Rock School. I'm one of several parents who actually bring my child to school in a bike trailer and would continue to do that, especially given that there will be a traffic signal at 1515 West Main. I really feel that the Rose Rock School fills an unfilled need in Norman with regard to early childhood education, with regard to the quality of care, with regard to the level of activities and kind of activities that are provided to the children. There is a very, very strong demand and it's one of the things that makes me feel that I couldn't leave Norman. The second family that my child has at the school, the community that I belong to by virtue of his being at that school, are extremely valuable to me, and I think that many other people in this room would say the same thing. The school, in particular, places a premium on taking care of things – careful stewardship of things. There's a strong commitment to beauty of facilities. There's a strong commitment to beauty of landscape. There's a strong commitment to gardening that is one of the skills that the children learn. So I have no doubt that this school will address any concerns having to do with grass becoming bedraggled. That's the kind of thing that they specialize in – finding ways of solving those problems and making sure that everything in the school runs smoothly and that the beauty of the site is maintained. Thank you.

5. Jim Maguire, 401 Terrace Place – This is my father, also Jim Maguire. He was the previous homeowner of the house. He owned it for 37 years. No one loves this property more than we do. The only options that we had was for somebody to come in and tear the house down. Does anybody want that house torn down? Nobody cares more about this property than we do. Bud Wilkinson signed his contract in that basement. How do you destroy that? There were no offers for residential purchase. So in our eyes this is a great option and that's what we're here for, because – you know, they're about the kids, and that's what it's about is teaching these kids how to live every day. Maybe they'll have troubles with the school closing, and I see that, but it was either that or tear the house down or let it go to foreclosure. My dad broke his back. My mom died. The business went in decline. We were forced to sell. What can I say? It was either go into foreclosure or try and do this where they're going to maintain the school and keep the property. As far as the grass, all you've got to do is fertilize it. I've been around that grass for 37 years – I know how to maintain it. You can go to OU and they have the practice fields. They park their thousands of cars. You just fertilize and water. You can park cars there. We had parties there all the time and you've seen the grass. It maintained well. So we're here for this because there were no other options. We didn't want to see the building torn down; it's too historical. It was on the National Register, but when we changed the windows in the house they forced us to take it off that because they wanted the original windows. But they leaked water real bad. We wanted to maintain the house. My mom said, well, you can come wipe the windows down if you want it on the Register. So they said, no, thanks. But we wanted to maintain as much as it is right now. We really didn't want to sell it, but circumstances forced us to. One person wanted to tear it down and build an office complex and nobody in here, but maybe one person, wants that. So we're here for the school and I hope you vote for it. Thank you.

6. Cynthia McPherson, 4500 Green Meadow Circle – I would really just like to agree with the previous statements of Nancy LaGreca and Sherri Irvin and the gentleman that just spoke. I could add a little bit of my own experience at Waldorf schools. I attended a Waldorf school parent/child classes with my two children – my young boys when they were 5 months and 3 years old. I went to the school three days a week. This was in Cambridge, Massachusetts at one of the oldest Waldorf schools in the country – they're celebrating their 40th anniversary this year. The school was fully developed grades program – grades 1 through 8, two kindergartens, an early childhood program that had parent/child classes from baby to age 4, and then a separate nursery on the property as well. The parking and the circle drive were truly just very,

very similar to what we've seen here tonight. The amount of parking spaces were, I think, the same, if not less. I never had any issues with parking when I was there – three days a week at three separate times for the courses that I was doing with my children. I attended festivals there as well and they had no side streets. This property has one side street, but there were no side streets. It was a 100-acre preserve with only one road access to get into the school. I can't explain why that phenomenon existed, except to the culture, for sure, would be my first guess. People that live nearby were always coming in on bikes or walking and just being conscientious about driving and the school also had the staggered schedule that Shanah has proposed. So it worked out fine and it's a very old and full school. I would just like to also reiterate the benefit, I think, to Norman of having this type of school. I'm the spouse of OU faculty and I actually have a position at OU myself that I'm deferring while I'm staying at home with my younger children. We see often some top people that are being recruited for professors at OU. We don't get those folks and the paucity of educational options for young children is often an issue for these families wanting to relocate to Oklahoma. I think this school would just be so wonderful for our community. I think it would draw the best and brightest to our town. I've seen firsthand and participated in the festivals, the outreach to the community. There are also other childcare providers here tonight that have been attending our workshops that are so supported by our school and the outreach that we do with pedagogical training. That's pretty much all that I have to say. Thank you.

7. Sunny Sethi, 4901 Baker Street – I live on the west side, about two miles from the proposed site. I'm the parent of a 3 year old who attends the Rose Rock School. I have worked in Oklahoma for the last 16 years, lived in Norman for the last 10. Between the years 2002 to 2008 I brought employment to about 50-60 employees in the area and currently I'm managing close to about $3 billion in projects for the U.S. Department of Veterans Affairs, the second largest federal agency in the country, and for the largest oil and gas industry. The point being, for the work that I do relating to the U.S. Fed or for the oil and gas industry, we would be doing a lot better if we were either positioned in D.C. or in Houston because I want the best for my son. Well, when it came around to looking for options for him, we were so proud that Norman was opening up a Waldorf school. This is the type of school that you have Amazon.com executives and Google executives falling over each other to get their kids on the waiting list. We decided a couple of years ago, after we found that there was a Waldorf school right here, that we were not going to relocate – we were going to stay right here and we were going to send our kid to Waldorf. If I had a second one coming up, I would try to put him on the waiting list as well. There are 3 points I want to make here. My kid is 3 years old now and he was about 2 when he started attending Waldorf. Prior to attending Waldorf, prior to attending Rose Rock, if you had to use 2 words to describe him, because of the demeanor of the teachers in what was considered one of the best schools in Norman at the time, 2 words to describe him – aggressive and traumatized. Three words to describe him now – calm, theatric, and extremely expressive. I don't want to say any more on that, but that tells you what 8 months can do to a 3 year old. Number 3, I stand here before you half the size that I was a few years ago – roughly 325 pounds at the time. Obesity is an epidemic in Oklahoma. Me and my wife care about what goes into my son's mouth. Approximately 6 pounds of sugar, if you were to take a look at what breakfast, lunch adds up to approximately 6 pounds of sugar is what goes into their mouth – their digestive system – and we're talking about a 3 year old – at other schools. Now here's a comparison. At Rose Rock it's fresh yogurt and granola or a fresh meat and veggie soup and stew. Let's look at that comparison. Pizza for breakfast or fresh yogurt and granola for breakfast. Pizza for lunch – and this is not too far – this is schools here in Norman. Pizza for lunch or fresh meat and veggie stew that a staff of 3 prepares right here. I mean, I'm choking up talking about that. Parking was the last point I did want to cover. I know it's been covered a lot. How many schools send out invitations for events with a printed statement in bold saying, when you do come or when you do decide to come, please either carpool or walk. I don't know of other schools that do that – or too many other schools that do that. This is a cultural issue here. I know some of the speakers here before me talked about the issues with Cleveland School. Some of them talked about a

school that was named after a great educator. Those were not Waldorf schools. This is a cultural issue. This is a Waldorf cultural element that you're embracing when you're bringing them into this society. Thank you.

8. Kelly Driscoll, 1355 Dorchester Drive – My husband and I have lived in Norman since 1999. I work at a local engineering firm and he works for the University. Our son will be attending Rose Rock School in the fall. We're very happy. He has been on the waiting list for 2 years. Rose Rock School is wanted and needed by the Norman community. There are no other schools which approach learning and community involvement in such a holistic way as the Waldorf method, and we hope that he can continue to attend Rose Rock School through the grades program if you approve of this. My training is in landscape architecture and, as a member of the grounds and site committee – all of the parents are very involved. We have to be on committees and we want to be on committees – I shouldn't say we have to be. We will make sure the grounds are positive to the community and the historic property is preserved. We are all invested in Norman and the school. We won't be packing up and leaving and we will not let this endeavor fail. Lastly, schools belong in residential neighborhoods. The land uses of educational facilities and residential properties are compatible and complimentary and I implore you to approve of this rezoning. Thank you.

9. Margaret Farmer, 334 Westchester Circle – I believe that Rose Rock School seems like a beautiful idea. But I am certain that there will be parking on Foreman Avenue from parents of the school and on their lawn and there will be cars backed up on Main. This lot is too small for a school of 275 students. Our neighborhood has the best location in Norman – close to the University, close to downtown, close to I-35, and even close to Hobby Lobby. We have no University student parking, though Norman High School students do sometimes zoom through our streets looking for a traffic light. We are an aging neighborhood of large ranch homes. They were the McRanches of their day. The fact that they have been beautifully maintained and, in many cases, remodeled extensively just so the owners could stay in the Hood, and many, many new owners have made them thoroughly modern homes. We cannot move them, but we do think that Rose Rock School, with all their wonderful ideas, could find another more suitable place to build. Thank you.

10. Hester Baer, 421 College Avenue – I'm a homeowner and a resident of Norman for 10 years when I joined the faculty of OU. My child has been at Rose Rock School in the care of Shanah Ahmadi since 2007. She is 5 years old, about to turn 6, and she's been there since she was a baby. I am also a member of the Rose Rock Board and I want to address particularly right now one aspect of the PUD proposal that was of concern to Mrs. Fink earlier during the comment period, and that is the request as part of the change from an R-1 to a PUD because of the desire to have a member of the staff in residency at the property. This has been part of our plan from the very beginning. It just wasn't clear to us that was not going to be possible under the R-1, and for that reason we needed to make a change to the PUD. That only became clear after the initial Planning Commission hearing. The reason why it's important for us to have a staff member in residence at the property has much to do with the reason why I chose Rose Rock School for my daughter. Like some of the previous speakers, I did a lot of research at the time when she was ready to go into childcare and concluded that this was really the very best option that Norman has to offer right now. Some of the reasons why I chose Rose Rock at that time were that it is a non-denominational, diverse school with an ecological commitment, wholesome foods, and especially that it seeks to resemble a home environment for the children who are in care there. If you visit Rose Rock School you'll see that it's the home of Shanah Ahmadi in its current place. As was mentioned, only 11 children can be there and we do have 40 children on the waiting list. I think it will be wonderful if we can move into the new property and have a home-like environment in the Maguires' former home. We need to have a staff person there to transform the place into a home environment during the initial years of its operation as a child care facility. The Ahmadis, who we hope will live there, plan to renovate

the property, keep up the grounds, and make it into a loving home environment that other children will benefit from. The children, as was mentioned, cook together, they work on cleaning the property together, they garden together. As a working mother, I really especially value the aspect of care that my child receives resembling this home-like environment that I'm not able to offer her except on the weekends. We really wanted to retain this unique aspect of Rose Rock's model of care when moving to the new property and create a situation where many more children are able to experience that unique standard of care. I also join the chorus of voices pleading with you to approve this PUD proposal. Thank you.

11. Daniel Mains, 1128 West Brooks – I'm a homeowner there. My 4 year old daughter is a student at Rose Rock School. I'm a faculty member at OU and my wife is a physician assistant who works at Goddard Health Center at OU. We just moved here this past August. I was teaching before at a small liberal arts college in the State of Maine. One of the things that really attracted me to Norman was the availability of educational options like Rose Rock. When I tell my friends who are faculty members at other universities about Rose Rock, they're extremely jealous because this is something that is very unique and unique to Norman and this brings people from all over the nation – in different fields, different types of jobs, but then generates huge amounts of work for Norman's economy. Just to follow up on what Hester just said as well, previously where we were living my daughter was also in a different kind of a school. One of the things that I really loved about Rose Rock right from the start is that it did feel like a home from the very second that we walked in there. And that had such an impact on my daughter. She has been so happy since she has been going there and then coming home. My 2 year old son will start at Rose Rock in the fall and we're really excited about that. When I heard that they were moving to a new location, I was actually a little worried that they might lose some of that feeling of home. But I'm really excited that the Ahmadis will be living there to kind of continue those characteristics that we've really come to love so much. Just the last thing to note, right now I live at 1128 West Brooks. That's a couple miles from the current location. I ride my bike with my child in the bike trailer almost every day to take her to school. Now that the school will only be a mile away, it will be that much easier to ride my bike or take her in a stroller, or just walk there together. I anticipate more and more Rose Rock families doing that as well. So, rather than seeing a problem with traffic, I think this is going to be a great thing. It's going to get more people out on their bicycles, out on foot and I really hope that the plan for Rose Rock will be approved.

RECESS
8:15 to 8:27 p.m.

12. Barbara Young, 1315 Salsbury – I've owned my property in the 1300 block of Salsbury since 1959. I also own two other houses down the street from me in the 1300 block of Salsbury. So I'm speaking as 3 homeowners, not just one. I want to tell you a little bit about what it's like living on my block. We have the high school to the east of us. The exit onto Berry from the high school parking lot lines up with Salsbury. When these kids get out, they don't go to Main Street and the light and the traffic. They zip across the street, go down my street, jog over and they're then on Foreman Avenue. I didn't know the people on Foreman Avenue knew it, but they do know it. We do not have parking on our street – for 25 years we have not, because the students would leave their litter in the street. They'd take our plants down. They left their whiskey bottles and beer bottles on our street, so we have no parking there. But they still come down our street, sit on the curb, smoke their cigarettes. There was a vacant house across the street and Lord knows what they did in that house. They gathered there until I found out about it and then we called the owner and that was stopped. I even went out one day and there was a car parked. I thought, what's that car doing there. I went out to check and there were a couple of teenagers out there having sex in broad daylight. Now, I know this school is not going to have high school students, but there is still going to be a parking problem here. I have a house also on Highland Parkway next to Jackson School. This summer I realized they're parking on both sides

of the street there – the teachers park there and you can't even get through. There's no way that a City emergency vehicle could get through if there were an emergency. I talked to my tenant today. She says she can't even get out and mow her lawn – it's one of those streets where there's not a high curb – it just kind of curves in and they park up on the yard. Well, I'm going to wherever I have to go tomorrow and see about getting no parking, because that's dangerous. Absolutely dangerous for that much – where a vehicle cannot even get through. Don't misunderstand me. There isn't anyone that loves children and values education more than I do. I taught school for 25 years. Have any of you all ever been on a playground for 25 years? Do you know what it's like? Do you know how much room you need for 8 grades? There's not enough room there. I have picked up grandkids at the Catholic school. They have a lot of room, and they only went to 4th grade. They parked from 36th clear up to the school. You had to get in line just for 4 grades – not 8 grades. I've picked up the kids at Alcott School. You have to park 2 blocks away unless you get there before the bell rings. I've picked up kids at Longfellow and Norman North – chaos all the time. And that's what you're going to have on Main Street. I agree with these other people. I've been there since 1959. It's the best place in town to live because of the location and the neighbors and I think we're just asking for problems if we allow this school to come in there. Thank you.

13. David Hudgins, 237 Tecumseh Meadows Drive – I have a son who is going to begin Rose Rock in the fall. He will be 4 years old. I'm a professor in the Department of Economics at OU and I've been here for 10 years. I want to speak to the property value of those houses in that neighborhood. There's no doubt that those property values are going to go up when Rose Rock School goes in. There is no comparable school. Some comparisons have been made to other elementary schools or junior high schools, and Rose Rock culture is different. That's why I'm willing to pay more and put my son in there, and there are a lot of other University faculty that are very interested in having this school here. Something wonderful is about to happen. That's a quote from Arthur C. Clark's film adaption of 2010. The property values are going to go up. This is actually a blessing; it's not a curse for this neighborhood. It's an opportunity that doesn't come around very often for very many cities. Norman has this opportunity to embrace this. We've also seen some other expansion in the area. One of the big draws for this is organic food, a balanced meal plan, and for me personally that's one of the first things that drew me to this school. We've also seen Natural Grocers come in. We've seen Dodson's and other stores that offer organic and are a part of this culture. So this fits very well. It's visionary. It has a vision. It's harmony with the area. It also has sustainability. Here we're talking about minimal capital to achieve maximum productivity. That's what this school will do. I don't know exactly what the objections are for the owners. The traffic studies have been done. The property values are going to go up. This house – this is the best use that could be done for it. I would say don't just be careful what you wish for, but be excited about it. We're excited about it at Rose Rock and I think that the neighborhood should be and the Council should be as well. Thank you.

14. Anne Harp, 313 Foreman Avenue – I've lived there for almost 14 years. I'm one of the newbies on the street. We, as said earlier, have people who have lived on the street since they were children and it's a wonderful neighborhood. As the gentleman just said, he doesn't know what we're worried about. Well, I can tell you. There's two main issues and we've said them over and over this evening – traffic and zoning. I have children at Cleveland Elementary School, which is approximately twice the size of the school we're talking about here. Even though there is a wonderful culture and we're very excited for this school and we welcome you to the neighborhood. But we really feel in our hearts that you're not looking with open eyes at the traffic issue. I understand you have consultants who were paid to provide a study for you, but we don't have any independent third party who is looking at this from our perspective as well. There's going to be problems with the drop off and I can tell you that turn lane you're counting on only accommodates 3 cars. I use it every day. I can also say that I'm very, very concerned about the zoning change from the R-1 to the PUD. Though I do understand that the culture of Rose Rock calls for someone to be in residence, that's going to be at the expense of hundreds of

people in our neighborhood. Hundreds of people in our neighborhood. It could very easily be changed if the Ahmadi family would agree to something which I think that they're not going to be very happy about – but if they would agree to not be in residence in the school, that would take the PUD right off the plate. We would be back at R-1 and 50% of our major issues would be gone. So we welcome you to the neighborhood, but we hope that you will be a good neighbor as well and please take our concerns very much to heart and give this some hard consideration. Thank you very much.

15. Susan Singh, 1762 E. 60th Street in Tulsa – I'm a retired teacher and one of Rose Rock School's benefactors. That's why I'm involved. I knew about Rose Rock and Shanah through my daughter, who is a colleague of hers in the Lifeways Program. I was very impressed with Shanah when I visited her program and spoke with her about her dreams for Rose Rock School. She obviously dreams big about bringing Waldorf education to Oklahoma and this will be the first Waldorf school in Oklahoma. Many of the surrounding states have Waldorf schools. This will be a first – a pioneer. She's doing pioneering work here in Norman. She's not only a big dreamer but has many talents and abilities, as well as willingness to step forward and commit her life energy to this project of providing a new choice in quality education for the families of Norman. A great treasure that I wish we had in Tulsa. It would be wonderful. I wish there was a Shanah in Tulsa. I'm confident that Rose Rock is no fly-by-night effort. Rose Rock's board has put together a good business plan and they're highly motivated to provide the best education for their children, as you can see by their testimony. I feel very fortunate to have the financial resources to support worthwhile endeavors such as Rose Rock School. We all know in our hearts that a more beautiful world is possible. Our children and grandchildren deserve our efforts and the efforts of Shanah and you Commissioners and her board to bring this into existence.

16. Nathalie Rocher, 1025 Leslie Lane – First of all, I'm a mother of a little boy going to this school. He has been there for 2 years. I am also a board member. I am also on the site committee for the school. As you can tell by my name, I'm an international person. I've lived on four different continents before I was 30 years old. I've lived in the sister city of Norman where I am originally from – Clermont-Ferrand and I did my university studies there. I've also lived in Paris. I have lived in Marrakesh, Morocco and I have lived in Melbourne, Australia for a significant amount of years. Norman, somehow, is also a very international place. It's bringing a lot of people and that's really through the University. It's very important for Norman to have a place for the faculty to put their kids. A lot of faculty might be turned away not having an amazing place for their kids. I think having a school such as the Rose Rock School expand will bring Norman into the future. If we want to have a town such as Norman be one of the pioneer towns that is one of the first things to do. The second one may be to have a tram – that's a good one. This school will be successful – there is no question about it. The demand right now is really high. There is more than 40 kids on the waiting list. As soon as the grades program starts, there will be kids going there from all of the faculty and also the businesses. People will move from Oklahoma City, maybe from Tulsa, down to Norman to put their kids in that school. No question about it. One thing that's very important, besides the organic food which is a very important point for parents, they feed a snack, a breakfast, a lunch, and an afternoon snack. It's all organic, homemade food. That's incredible. I don't have to worry about that at all. The second thing is that there is a sliding scale for families. At the Rose Rock School it's not a for-profit; it's a non-profit organization and we want to have a very socially diverse environment for the kids to grow in. I don't want my kid maybe in a certain range of society to grow up with the same kids in that society. I want him to grow up with every social environment that he can. I guess that's it, besides all that was said. Thank you.

17. Sarah Warmker – I guess a lot of what I would say has already been said by the other supporters of the school. My family has lived in the neighborhood for a long time and my grandmother owned a house at 225 Crestmont where my aunt lives now. I know there's a lot of really nice neighbors in that area and I would just hope that they would be open to getting to

know Shanah and the parents and the children at the school, because I think that a lot of the fears that are being expressed might be able to come to a resolution if they would take the time to keep having conversations and just to get to know each other. I think they have the potential to be really wonderful neighbors if they just keep talking. Both sides seem willing to come to a resolution on a lot of the things. So I wouldn't be surprised if any parent that's here would be willing to personally tell anyone that lives on Foreman Street, on Crestmont Street, on any of the side streets they would personally commit, I think. They're my friends and I would say that they're good enough people that they would be willing to say that to the neighbors, that they would want to make any adjustment to their personal schedule to make sure that the neighborhood stays healthy. That's all.

18. Neera Singh, 1019 E. 35th Place in Tulsa – I'm Susan Singh's daughter. I live in Tulsa with my husband and my two young daughters. Professionally I'm a public high school teacher. Both of my parents are educators and quality education is very important to me. In fact, I believe a good education is what truly allows us to live a life of freedom and opportunity. You can tell many people in this room are concerned about having quality education for their children. I can't let this discussion go by without mentioning the fact that I am a colleague of Shanah's in a program that is called Lifeways. The Lifeways Program was actually founded by a woman, Cynthia Albinger, who was from Norman, raised her family in Norman, currently is a resident of Norman, and she is nationally recognized for her work in trying to improve early childhood education and the standard of care that we give to children from 0 to 7 in our country. She and many other people who have been trained in her Lifeways Program – many of her colleagues are all over this country providing this kind of wonderful care for young children. Norman has this opportunity to embrace this with the founder of this program and I just am here to support Rose Rock expanding. I'm hearing a lot of people in support and also some fears being expressed. Any time we're beginning something new, of course there's going to be things that we're worried about, things that we're fearful of. On our end, those of us who are supporting Rose Rock Foundation, have our worries and our fears. We're hearing fears from people who are in the neighborhood of the parking, of the changes that might bring, the people it might bring into their neighborhood. I think it's pretty clear to me that, although there may be some kinks that will have to be worked out – of course there may be small or big problems that will have to be worked out, but to me I think it's pretty clear we're hearing in this room that the benefits of Rose Rock School expanding is going to far outweigh the costs that might arise. The Waldorf school movement is an international movement across all colors, all nationalities, class lines. This is one of the fastest growing private school movements in the world. I would really encourage Norman to embrace this opportunity to give permission to this school. Thank you.

19. George Ahmadi, 502 N. Park Avenue – I also happen to be the lesser half of my wife, Shanah Ahmadi. First of all, I really wanted to thank the neighbors. We received the letters of protest and I wanted to go on record and thank the neighbors for expressing their support for the school, its philosophy, but not necessarily agreeing with where it's going, and I just wanted to openly thank them for that process. I wanted to touch on a couple of issues that we brought up. First, the issue of off-site parking. I spoke with Rocktor Properties and they did speak to their owner and they have confirmed that they will provide off-site parking on a contractual basis. We could not work out the complete details because that was an issue that was brought up quite late and to talk to the owner and talk to the property manager and get the okays, it was rough. I also do have a brokerage firm basically working with in case this falls through, because we believe it's a valid concern and we wanted to let you know that we did address it. The issue of financial solvency came up. I know that in our PUD we have this number of 275. Our business model actually, in the first two phases, works with 50 children. We can be covering our overhead and also, at the same time, pretty much meet our demands and have money in the bank for parties. I did want to address this, because I think in a lot of the letters we just didn't know what their financial situation was. The situation is really good. We believe in slow growth. My wife and I started the business out of our school. It has been slow growing. We do not have

the capacity to have any more simply because our regulatory bodies just allow us to have 11 and we reached 11 very quick. One of the things that we purport together, and also as a board, and the reason why we became a non-profit tax exempt status organization is so that we would have that sort of financial oversight by more than just one person – that we would have the board looking at this and making decisions, so it's not just Shanah or myself in these cases. Also, I wanted to address the issue of the R-1. When we started this process – we are very green (no pun intended) to the zoning process. My wife came in by herself. No architect or representation, listed out her criteria, what she should do, and we were advised by the City that we should go forth this way. It was only after that Pre-Development meeting that we were let to know about certain codes under certain provisions. I just really wanted to say that there was no intention of bait and switch. There was no misconception about that. We were not trying to mislead people. We were trying to be as forthright as we can, and also to work within the City parameters. But, to be honest with you guys, we're very grateful we've had Jack, because it's quite confusing at times for the lay person. So if that miscommunicated to the neighbors, I apologize about that. The issue of my wife and I living at the property – I believe Lifeways purports itself in the fact that the teacher represents the ways of life – the normal things such as doing laundry and whatnot. That's why the idea of us living there and seeing the children have this is sort of an important issue. I just wanted to clarify that a little bit more. Also, the issue of growth – because I know the number of 275 has become a real challenge for everybody. We have a hard time actually explaining to our own board as to why we can't grow faster. We cannot grow into a grades system without a healthy kindergarten and a healthy kindergarten needs a healthy pre-K. A healthy 2nd grade needs a healthy 1st grade. Our growth is completely dependent on what kind of demand we have and, really, we applied for the PUD so that we wouldn't have to be here again. We wanted to basically plat the land and get this process over and, at the same time, present this vision that we have. I assure you our growth is very slow and is based on sustainable patterns. We are not planning on finding $4 million somewhere and just have this building and wait for kids. We are growing slow, methodical, and we'd like to just say that we'd like to be welcomed in the neighborhood – and I know we are, and I apologize that some of us are on different sides of the issue. But I want to thank the neighbors and thank all of you. Thank you.

20. Kara Joy McKee, 113 ½ Castro – Norman, Oklahoma is my home. I love Norman, and I know many of you from working in previous years through many of the City committees and being present at City Council meetings and serving on committees such as the Community Development Block Grant Committee and others at the City to make sure that Norman grows and develops in ways that work well with the citizenry. I work for the Oklahoma Food Cooperative and I've had the opportunity to work with a lot of communities all over Oklahoma that are dealing with a lot of different challenges. Right now my work takes me a lot up to Oklahoma City and one of the big things that I get to brag about about my home town is the Rose Rock School and time and again I meet parents who wish that they had that in their community, as the woman from Tulsa spoke. I've also worked on the board of the Oklahoma Sustainability Network and the Waldorf method and the Lifeways method fit very well within exactly what George Ahmadi was just speaking – the slow growth model that allows us to develop organically, slowly and bringing in things in a way that makes sense for the neighbors. When I read some of the letters of protest I was concerned and thought that there were big differences, and then hearing the neighbors speak today I'm actually encouraged to see that we actually have some of the exact same concerns. I consider myself a member of the Rose Rock community because I hope that someday I will get to have children that can get on that waiting list. My 3 year old god-daughter is in the queue – she's up next to be in the Waldorf school and I couldn't be more excited, because I know what that will do for her and for her family and for our community for her to be a part of the Rose Rock School. When I hear the concerns about the PUD and the traffic and I talk to these parents, I see that they are, in fact, the very same concerns. We don't want to see a strip mall there. We don't want to see a Seven-Eleven there. We would prefer people were driving their cars less and there wasn't a

need for a gas station. When you see these professional adults – I know this is a shift for a lot of people to think about professional upper-middle class adults that chose to ride their bicycles – but there's a deep concern here for the community and the way that it develops. When you talk about the comparison between Norman High School or Cleveland Elementary and the traffic that the Rose Rock School would see, it really is very different because the parents in the Waldorf method are just as much learning as the students are. I know parents who have wanted to have their children in the Rose Rock School but they weren't ready as parents to be on those committees, to be committed to helping develop the school and that is what it takes to be a part of the Rose Rock School. It's very much a community. Dr. Pailes, I saw the look when we were talking about traffic and getting the parents to not park on these streets. Being a good friend of Shanah Ahmadi, I laughed to myself, thinking they don't know Shanah if they think they can just park anywhere, because it's so important to be part of the community in Waldorf and to work together, whether it's the grass, the grounds, the traffic. Anyone that's accepted into the Waldorf community is coming here specifically because those are the things that they care about, and good relations with the neighbors is very, very integral to the situation of the school. It's not that the school is going to be here separate and apart – the school wants to become a part of this neighborhood. I'm glad that these neighbors are here and we are getting to meet each other and talk about that. I've had the opportunity to meet many adults who grew up in the Waldorf method from a school in Wisconsin. When I was traveling abroad studying in Ecuador, I met a lot of young adults who grew up in the Waldorf method and they were not afraid to learn anything. No subject was taboo. They weren't afraid of algebra. They weren't afraid of English because the methods adjusted to them, and the parents were involved. I see Waldorf and the Rose Rock School not as just an opportunity for new ways for our children in Norman – and I grew up in the Norman school system and I love it. I love Norman. I see it as a new way for us to develop more good citizens of Norman and I hope that you support the PUD and all of the development of the Rose Rock School. Thank you for your time.

21. Libbi Holbrook, 216 Foreman Circle – I wanted to start out my remarks by saying, if you're doing laundry on-site and this thing goes through, I want to be the first to drop mine off. Please. I do have just a few remarks with regard to the proposed zoning change. My first has to do with the several comments that we've heard about, well, if we don't allow the school to go in here, they've already bought the property. If we don't allow the zoning change then what happens to this property? It's for sure going to go commercial. We're going to have a gas station. We're going to have a strip mall. I would just propose that with the original pricing of the property when it was put on the market with the start bid at $1.2 million, I believe if I'm not speaking incorrectly here – my memory is not as good as it once was. That sort of automatically put the property in on a commercial or an institutional standing, because for most people who are interested in residential property, that price tag is not something that you're going to get a return on your investment on, even if you hold it long term. That's not a feasible alternative for most of us. However, with the actual sales price, I would just like to say that if this property doesn't end up going for an institutional use, I think that there are now residential buyers who may be actually interested in a property at that value, and I'm speaking just from discussions that my husband and I have had about purchase of the property. That was my first thing that I wanted to talk about. I think we're really talking about scare tactics, and saying well it will be used for a commercial purpose if it doesn't go for this institutional use. I would just like to say that I believe, personally, that that is not the case. Secondly, I just have a few additional comments about traffic that I don't think have been addressed, and I'm not going to rehash what has been addressed several times. I agree with all the concerns that have been stated. But something that I don't think we've yet considered is the synergy of all the schools in the area. I think if we were just talking about Rose Rock School that would pose some issues with traffic on Main Street and on some of the side streets, possibly for a small period of time. But when you also consider the proximity to Norman High School, as well as Cleveland Elementary, some of the also close middle schools, there is a traffic issue that will have to be addressed. That leads me into my last point and that is just that Norman has plenty of other properties that need

development – that really fit the needs of this type of school and that I would suggest are possibly even already zoned for this type of use. You guys have talked about parents biking to school, which I think is fabulous. We have a bike trailer. We love to use it. But that area of Norman is old. It doesn't have bike lanes. It doesn't have sidewalks, for the most part. There are some issues with that area of Norman that don't make it a perfect location for any type of school, if you're going to have pedestrian and/or bike traffic. We certainly, in the neighborhood, don't deny that education is very important and having different types and different alternative forms of education make Norman a place. I don't argue with that at all. You don't hear any of us talking about Rose Rock School or the curriculum. I think what you do hear is people talking on behalf of Rose Rock School and the curriculum – but not about this particular location. Gotta have it here. Gotta have it here. I would just really like to say that encroachment into a long-standing valuable residential neighborhood is just unnecessary and we feel like it should be denied. Thank you very much.

22. John Beedon, 1135 N.W. 39th in Oklahoma City – My 3 year old son attends Rose Rock School and we are planning to move to Norman and I can say that I would promise to not park on anyone's street, unless we were fortunate enough to purchase a home on one of those streets. Thank you.

23. Nicky Halterman, 1210 Oklahoma Avenue – As the more observant of you in the room will have noted, I am 15. I'm in 9th grade. I go to Norman High. I would like to address a few points that have been brought up. I was fortunate enough last year to attend a Waldorf school for my 8th grade year. That was the only year I attended a Waldorf school and I can say without reservation that it's the best thing that has ever happened to me in my life. It was incredibly eye-opening and it was unlike anything that I've ever experienced before in this room. I have to say, for many of you who have brought up fears and might be believing that this talk about community is just sort of a smokescreen to try to cover up the real issues, you haven't seen anything like a Waldorf school before. The community is not something that can be ignored; it's one of the most powerful things I've ever experienced in my life. The culture has such an ability to overcome these sorts of obstacles that have been brought up. I really think that these issues can be overcome by the sort of synergy that comes with this Waldorf school. The one issue that I want to address from the negative is the issue of parking. I have to say that fear is born of ignorance and two people in this room have made it their life's work to understand the problems caused by traffic, and they have attempted to enlighten the people of this room on the issues caused by traffic. It is up to every person in this room whether to decide to believe them or believe their own hunches about traffic. If you want to, you can trust them and you can recognize the work they have done to mitigate the problem, or you can hold onto the fear. It's up to every person in this room. I'm not an expert and I'm not a homeowner and I'm not a parent – but I am a 15 year old and I am a student. I'm here to tell you, as a product of a Waldorf school, how incredibly important it is to support this endeavor. Because a Waldorf school, I wholeheartedly believe, is the best thing that could happen to Norman, even though I am a big fan of trams. I really do think that we do need to support this. I'm not going to pretend that there are no consequences from this. I do believe that cars are going to drive by your house. There are going to be miscreants who are going to park in front of your house during sporting events. Maybe the grass is going to be a couple shades browner than it was before. But the important thing is that we have to look at the fact that those are problems that can be solved. Those problems can only be solved if we let the school exist in the first place. I think it's a far worse thing to kill everybody person in this room's dream – every person who has come up here and spoken as a parent has a dream for this school. I think it's a far worse fate to destroy every one of those dreams than it is to have to confront these problems. They'll never exist if we don't overcome the fear of those problems and allow the school to go forward in the first place. Traffic can be solved. Schedules can be staggered. Lights can be put in place. But you can never fix problems that never exist. You can never build a school if you won't let it be built in the first place. Finally, I have to say, people in this neighborhood, you might see consequences.

There might be things that you're going to have to deal with. There might be some small share of the burden that you're going to have to take. But I'm up here as a former student and as a resident of Norman to implore each and every one of those people, from the bottom of my heart, to take on that share of the burden so that 30 years from now I can look back at Norman and be proud to come from here, and that 30 years from now every one of those students on that waiting list can look back at Norman and be proud to have come from Norman and someday bring their children back here to go to a school that's comparable to any school in the United States.

24. Lance Lobban, 233 Foreman Avenue – I still have concerns. I'm an engineer also, so I can't bad-mouth the engineer. I still have concerns about the traffic. I exit Foreman Avenue across Main Street sometimes. I ride my bike when I can, but it's tough to get across there in the morning, and I think it will be tougher – it's a busy street. It's not like residential streets around a lot of the other schools. I think it will be a challenge for the traffic. I think a couple of things that could be done is to leave the zoning residential and to keep the school smaller. I agree with what Dee said earlier, that maybe 150 is a size that people could easily live with. I don't know the zoning regulations or the rules. But if it works easily at that size, then maybe you can talk about letting it expand later if the traffic plans are not bad. The school sounds like a great thing – I'd like to see it in Norman and even on that property if we can be assured that the traffic problems are not going to be an issue. Thank you very much.

25. Jim Long, 447 College – I certainly understand the concerns of the people who live in this neighborhood. Gosh, all you have to do is look at that aerial photograph up there and you see that they've been living there with a 3-acre private garden and nothing you could do with this property would not make things worse for them. I mean, because this has been sitting there – just this beautiful secluded spot. But I've got to say that I think almost every elementary school in Norman is located in a residential neighborhood. This is where we put schools – in our neighborhoods. And we live with them. And it's probably a good thing. This is where schools belong. So I think this is something that this neighborhood will adapt to and learn to live with. I, like most people in Norman, have driven by that property for as long as I've lived here and admired it and coveted it like everybody else. As Mr. Maguire told us, this was the only opportunity they had to keep that property somewhat intact. This is a Norman landmark. I think that we should be very happy that this has happened that those wide oak trees along Main Street are going to stay there and that beautiful white structure back there is going to be there. I think this is a very good use for this property and I think it is a use that the neighborhood will come to appreciate. Thank you.

26. Kevin Faulkner, 512 Manor Drive – The two major things that I really want to say while I'm up here is that, if I have been following this conversation correctly, the major question about changing from the R-1 to the PUD was about the ability of the folks who operate the school to live there and to fully manifest the idea behind this model of education. So even if that request is denied, it's still possible for the folks to go on with the school. I don't know if that's going to affect the ultimate maximum student size, but simply blocking the motion is not, in itself, going to prevent these traffic problems from happening. I think it's important to note that, again, the plan and projections are to allow for room for growth into the future – to plan for future growth when and as it is necessary. I know Shanah and George are people who are interested in talking to people and in working things out. This is a forum for addressing a lot of issues, but I also know that the Rose Rock Foundation would be happy to work these issues out in actual dialog and not have to use up the time of the Commission here and everybody else. I do think that these issues are appropriate and do need to be addressed.

27. Wanda Helms, 1225 Salsbury Street – Just went to the doctor last night. I have bronchitis and sinusitis, but I felt it important enough to be here tonight. I've listened to all the concerns. I've listened to all the supporters. But one thing I haven't heard – First of all, I didn't even find out

about this until Sunday night. My neighbor didn't know. My neighbor on the other side is the one that called me and told me. Something is wrong with that. I heard at the beginning of the meeting 38% were against this. I can tell you if people had known about this, it probably would have been more. I don't understand why we weren't told. It just seems wrong. A few things I have issues with – one is traffic. One thing I have not heard about being addressed tonight is what happens in winter? I've heard about, yeah, we want to ride our bikes. We want to walk. What happens if it's pouring down rain and it's 13 degrees out? Do you walk? Do you ride your bike? No. I think you get in the car and you drive. Okay. So then we have more traffic problems that – oh, my goodness – they weren't addressed before. I think it's an unrealistic expectation to think that every single parent is going to drive every single day of the year – or walk or ride bikes every single day of the year. I think there is a time when they will be in their car, they will be driving, and there will be traffic issues. Also, grandparents will be coming to functions. We have to consider outside the immediate family – there will be other family members coming to events. So, again, more traffic. I also want to point out there is no one here that supports this that lives in our neighborhood. Everyone who has come up here – I heard an aunt that lives in the neighborhood, but she wasn't here. No one who supports this school lives in our neighborhood and I feel like our concerns are being shoved aside and not listened to because – and I'm not saying it's not a good school, but I'm saying I don't think we, in our neighborhood, are being heard. Also, Nicki asked that we take an active part in supporting this. Well, he can take an active part and pay my mortgage. Also, the artists's rendering – where is it? I've not seen an artist's rendering what this school is going to look like. All I've seen is a little sketch. I would like to know what this school is going to look like. That hasn't been addressed either. Anyway, I would appreciate a vote against this school. Thank you.

28. Christopher Crouch, 4202 Briarcrest Drive – I've lived in Norman for 17 years now. I moved here in middle school. I did attend public school in Norman and I attended the University of Oklahoma. During my time in Norman I've found four values that I think contribute to the Norman experience, and why we really feel that Norman is a special place: education, diversity, community, and beauty. I believe that the Rose Rock School will contribute to all of these values. I hear again and again this evening people saying we love the Rose Rock School – we love your idea – we just don't want it here. I really feel disturbed by this "not in my back yard" sentiment. I feel that is incompatible with what makes Norman so special. If the Rose Rock School isn't in this location, it would be in another location and we'd be having the same dialog with the people in that neighborhood saying the same things: we love the idea, we just don't want it in our back yard. I think this school is essential for Norman. I think it's a great benefit to our community and I feel that this is an ideal location for it. It is integral to the school's concept that it be centrally located and that as many of the parents as possible will be able to provide non-automotive transport for their children to the school, and I think this is an ideal location for it. Thank you.

29. Dr. Dolores Bigfoot, 119 North Foreman – I am in the Department of Pediatrics at the University of Oklahoma Health Sciences Center. I have lived in Norman 30 years. My wonderful, perfect children are products of the Norman Public Schools and I am very proud of the fact that they have accomplished much in their personal and professional endeavors and they could be in front of you today and be very articulate and express very eloquently the learning and the understandings that they have about who they are and their relationship in this world. So I commend the Norman Public Schools for their ability to produce wonderful human beings. I don't want it in my back yard. I live at 119 North Foreman. I have a school in my back yard, literally, and they are not good neighbors. I have lights that come through into my family room and into my bedroom. I have trash in my back yard. I have traffic with the big delivery trucks, school buses, what have you, that are right in my back yard. I don't want a school in my front yard. I am right there off of Main Street and Crossroads school – Head Start – is in my back yard and I think that one school in that neighborhood is enough. I don't think we need another one across the street from me. I am an educator. I am a child psychologist. I have a great love for

diversity. I enjoy the ability to be in a community that values many of these things, but I already have a neighbor in my back yard that is not a good neighbor and I heard all of the wonderful things that particular neighbor was going to do when they converted that building into a school, and it was not successful for me as a property owner and as somebody that banks that property. So I will tell you I am not happy about this at all. I don't like the traffic. I have lived on Foreman for 30 years. I know what it's like when the students get out of school. I've never seen anybody have sex in a car – that was one thing I have never seen. It's wonderful when parents monitor their children – I love the neighborhood and I would like it to remain in a residential way so that we can have more families in the neighborhood and that we could benefit from friendlier relationships. Thank you.

30. Jim Miller, 1712 Holliday Drive – I've lived here 76 years. I haven't heard anybody else say they lived here that long. I assure you that the traffic problem that will be created by this school being where it is is tremendous. As I say, I've lived here 76 years and I've seen Main Street go from a dirt road out there to now a very busy street, to say nothing of what it will be if there is a school there, especially on Fridays. Forget going down Main Street on a Friday. Also, I haven't heard anybody address the cost of a traffic light in front of this school. Traffic lights are very expensive and it's going to come out of the City coffers when they have to put a traffic light there, to say nothing of the backing up of the traffic. This is a beautiful spot. We've all seen it; we've all loved it. The gentleman has taken excellent care of it, but now he has to sell it. His wife is gone and he doesn't want it any more. But, as Libbi pointed out, there hasn't been anybody make an offer for it for the price it was except this Rose Rock School. And, by the way, nobody's against your school. Nobody is talking down on your school. We're talking about where it is. You don't live in the neighborhood like we do. I live on Holliday Drive and Sherry, and I still have cars go by all the time from Norman High School like a bullet. We've even had traffic cops sit there to catch the kids going through to try to avoid Main Street. They don't catch very many because all they have to do is catch one and the word goes out – don't go down there for another few days. It's right back again. It doesn't take very long. Two hundred and seventy-five students – I have two kids that live behind me where I live and when I'm out in my back yard I can't hardly hear anyway with two kids, much less 275. There's a real noise problem there, in case you don't realize it – you people that don't live in our neighborhood. Most of these schools have playgrounds that seem to absorb a lot of the noise. This area is too congested to absorb all that noise that many kids can make. I love kids as much as the next person – I just don't think this is the place for a school. There's many other locations in town that Rose Rock can purchase to put your school in. I understand this particular property was bought by a woman who gave it to the Rose Rock bunch and, of course, you don't want to turn a gift like that down. I'm certainly not in favor of – and my neighbors are not in favor of a school being there. Nobody has addressed the fact that if a fire truck – if they do what they're talking about there with this circle, the gentleman told me a while ago that used to live there that he's had a fire truck and an ambulance go in there many times. Well, that's fine the way it is right now. But what about when you make it into the street like they're talking about and park cars all around that circle? You're telling me that a fire truck can make that curve? I don't believe so. The traffic engineer did traffic on Main Street only. He didn't make traffic on the whole neighborhood – Foreman, Crestmont, all the streets that they're going to be parking on, I assure you. When Earl Amerine, Jim Sheely, and Frank Foreman built that neighborhood, they had no intentions of doing anything with that area where the school is going to be. That's why they built around it. The whole neighborhood is built around that spot. The gentleman who built that house with the Johnson Dairy people – and he would turn over in his grave if he knew this could be a school. That's about all I've got to say. Thank you.

31. Cristi Miles Bullard, 302 Foreman Avenue – Tonight I've heard people trying to tell us that we're against this school. We're not against the idealism of this school. We're in the reality of making sure that our traffic problems and zoning problems are faced before the problems occur. We have Jackson grade school. We have Cleveland Elementary School. We have

Norman High School. And we have this other little preschool that nobody ever mentions or thinks of. There is no safe place for our kids to ride their bicycles or walk to and from school any more. Norman has gotten too big with the main corridor in and out of central Norman being Main Street. I think that our Commissioners really need to study this with our traffic department. Our traffic department has not taken this under consideration or it has even been brought up to them. So I move to have this deferred for at least 30 days before the Planning Commission takes a vote. Thank you.

32. Brendan Furneaux, 3850 Lewis Street – I just now turned in my paper, so I think you all will be happy to hear I'm the last one. I've lived in Norman for 23 years. My 3 year old daughter will be attending Rose Rock in the spring, I hope. I would just like to say that I can make a promise that I heard at least one other parent make. I'm not going to park in front of your house. I don't even own a car. I will be riding my bike in the snow if I need to. Also, I'd just like to point out, in addressing that comment, that there is a city bus route that goes along Main Street right there and I believe there's a bus stop right there at Main and Wiley, which is another non driving a car option to get there. Without taking up any more time, I'd just like to put in my support for a yes vote. Thank you.

Chairman Sherrer noted that during the break a letter was submitted by Christian Pitt, 1630 Cruce Street, and that will be made a part of the record.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Boeck – I appreciate all the comments, all the information and all the feelings and caring. I've been in Norman for 40 years – came here to go to school. I love this community and love the schools that are here. I love the idea of this school, although my kids all went to Gingerbread. But, having said that, living in the neighborhood and seeing what Gingerbread generates in terms of traffic – maybe it's a different kind of parent – but there's a lot of vehicles and there's a lot of cars sitting on all the streets along there. Two issues that I have with this are the fact that, one, Main Street is a horrifically busy street. You're talking about putting a light in there, but the traffic that's generated during school, after school, during the day is immense. I love this piece of property. Obviously it was unaffordable for me. I love the idea that it's going to become something more – or could be something more than a convenience store, because I'm tired of that. The problem I have, because I've seen this in my neighborhood, is when you go from residential to PUD to commercial. I don't want to blame the City of Norman, but it seems like it always goes that way. I would like to see how this could work out with the R-1 Special Use, because I feel that's one way of keeping this closer to what it has been and what it was developed as, is a residential. Churches go into special use; schools go into special use. I just have a problem because I've seen property in my neighborhood that – the intent was really good to be a PUD for medical offices, but those medical offices didn't work, so they went back to City Hall and the City Council approved the zoning change to go to commercial, which is allowing all kinds of other stuff to go in there that was supposedly never intended. So that's one of the issues that I have.

2. Chairman Sherrer asked the City traffic engineer to address some of the issues that were raised with regard to traffic.

3. David Riesland, Traffic Engineer – We got the traffic study a little bit later than we would have liked to have gotten it, but that's of no fault of the consulting engineer. I've been on that side of the game, so I know how that works. They analyzed everything we asked them to analyze. To a certain extent, traffic engineering is a bit more art than science, maybe. There's a lot of assumptions that go into play. I don't think the school really even knows where their students are coming from or what direction of approach or departure is going to be. The consulting engineer made a series of assumptions; don't have any problem with those assumptions. They came up with a suggestion that a traffic signal is going to be warranted at

Main Street and Wiley. I heard some discussion about the cost of that signal. It's expected to be about $150,000. The City of Norman has been very progressive on similar type projects – securing federal funding to pay 100% safety costs associated with those, so there's no cost out of the City pockets to pay for that sort of an installation. There are some impact fees that we have decided that the school should contribute toward the installation of that signal; it's minor, because they don't really generate that much traffic when you consider all the traffic going through the intersection. I attended a neighborhood meeting this past Saturday. I heard a lot of concerns about traffic queuing in the neighborhood. I asked the consultant to give me his opinion on where he thought the traffic was coming from and how the queuing was going to impact the neighborhood. Again, it's really his best guess on what's going to happen. Sort of advised the neighborhood that we could proceed with some requests to prohibit on-street parking, if that's what they want to do. That's kind of putting the cart before the horse, I think, because it is going to be a slow growth school. Maybe a couple years down the road they should see is it going that way? Maybe that's something they want to consider. But, based on what we looked at, I don't see that there's going to be the kind of long-term issues that we're going to have to deal with. I think they're all short-term in nature.

4. Chairman Sherrer – I know that often times when there's a light put in that sometimes that becomes a developer cost associated with that when it's not the City plan to do that.

5. Mr. Riesland – They're going to share in the cost. It will be a small share.

6. Mr. Eure – Can I interject? Angelo, the head traffic engineer, in talking about this issue early on made the point that incremental phased plans have the opportunity – correct me if I'm wrong here – to not only pay our fair share, which we plan to do, but also get in line for federal funds, which cover up to 100%. If we're not in a hurry, in other words, which we're not, given our phased development plan, what we would like to see is the City of Norman spared that expense, in other words.

7. Mr. Riesland – Well, that would be our approach moving forward anyway. We would try to secure those federal funds. We've been very successful in the past.

8. Mr. Knotts – David, I heard some vehicle numbers. Sounded pretty low for 275 students and so is that just the first phase?

9. Mr. Riesland – Well, the numbers that were quoted were really coming from the east. He was trying to depict what was going to be coming from the east and potentially could impact Foreman. He didn't talk about the numbers coming from the west. They are higher. His distribution percentage was roughly twice, I think, from the west versus from the east.

10. Mr. Knotts – Was that fully built out? 275 students. 33 cars was the number that I remember.

11. Mr. Riesland – That's the number. Yes.

12. Mr. Knotts – 33 one side and 66 the other – that doesn't sound like a 275-student.

13. Mr. Riesland – What you have to understand, in looking at the ITE trip generation information, when you look at a private school, it projects traffic a little different than a public school. It does take into account that there are more people car-pooling. There are more people using other modes of transportation, too.

14. Mr. Knotts – So this is kind of like economics – you can find something to prove anything?

15. Mr. Russell – Is he calling us weathermen? The total numbers, if you look at it, I think it was 240 some cars in the morning and 147 in the afternoon. Those are during the a.m. peak in the morning and in the p.m. peak in the afternoon. The reason that it's evaluated at that time is – you know, schools let out long before the peak on the roadway, which is what the city is concerned about. What is the level of service during the busiest times of the day? So schools will generally coincide with the a.m. peak as being the busiest time of the day. During the morning, we had 247 total cars coming, which for 275 students makes the numbers, I think is what you're getting at, more reasonable.

16. Mr. McCarty – You did on-site parking evaluation. Right?

17. Mr. Russell – What we looked at mostly was the impact on the intersections. We were asked to look at circulation and so we looked at circulation. On-site parking is largely a function of city ordinances and city codes, if I'm not mistaken. As long as they meet those, it's good. What they have a traffic engineer look at is can big vehicles get in and around? Can traffic circulate in and around? If there's recommendations to make traffic circulate better, then we would give those to them. We did look at it for circulation. So for traffic flow, it's very good. I will say the levels of service at Wiley and Main Street, once the signal is installed and there's 265 or 275 students in the place, it's operating at Level of Service C and better, which is what it's operating at now. So no degradation of level of service noticed at the intersection as far as delay goes.

18. Mr. McCarty – Wiley and the road into this property don't align. So how is this stop light going to work when it's put in in five years or 2016?

19. Mr. Russell – That's a very good question. Normally, when we do anything in the City of Norman, the staff requires and we recommend that they line up with city streets across the way, because that's more normal to people and it's more comfortable to drive. In this situation, because the property line doesn't quite allow them to get completely over there, we do have a little bit of an offset. I think we're fortunate in the sense that it's a school and so it's not continually all day traffic coming out tripping the light. If there's a problem with that, we normally address that by split phasing the two – so the school can come on separately from Wiley. Since the school won't be tripping the signal very often, I really think that will operate just fine if we need to do that.

20. Mr. McCarty – Are these timed lights, or weighted?

21. Mr. Russell – It will rest on Main Street, like most of them do until they get a call on the side street. Main Street is an interconnect system, which means that this signal would have to be tied in with Mercedes and at Berry, and that would say that the Main Street would always get their green when it's more in time with the platoons coming from both intersections. So the side streets will have their opportunities to come in, but only after Main Streets platoons go through. That's how a synchronized system works. So it would be timed in with that. I might mention, the spacing is very good; it's about halfway between both signals, so that's optimal situation to be in.

22. Mr. Knotts – Somewhere in your conversation about the level of service, you indicated that at the full build-out, when you get the signal it will be back up to C level. What does it go to before that? I went through there. I tried to pull on Main. It's not nice now. So I'm wondering why there would be a delay in the installation of that light in order to facilitate the residents being able to get out. I mean, it's going to be really nasty before you get back to C, and C isn't A. It's barely passing.

23. Mr. Riesland – The City is bound by federal regulations to make sure that any traffic signal is warranted before it's installed. It won't physically meet signal warrants until Phase 3. That's why we can't put it in immediately. There is liability that we would undertake if we installed it without the funding.

24. Chairman Sherrer – Just for the record, Commissioner McCarty asked the question if that could be funded privately, and the answer was ...

25. Mr. Riesland – That's what I was answering. Yes.

26. Mr. Lewis – I do have one question, if I can get the City Attorney's office to clarify something for me. The first statement isn't a concern. I think the school is an amazing school. Gosh, I wish I could go there. It sounds wonderful. My main concern is, I've lived my life believing it's not enough to know the letter of the law, you have to know the heart of the law as well. In order to understand the heart of the law, I think it's important to know the intent. So I'm going to ask Leah, our city attorney, and help me on the section – I think 431.9(b)(1) says in the City of Norman in a residential area we cannot park on grass. Can you help me understand the intent of that?

27. Ms. Messner – Commissioner, I think you're referring to our zoning code, which, you are correct, does prohibit parking on unimproved surfaces – grass being one of those. I obviously did not work here when that ordinance was written and put into place, so I can't exactly speak to what the City Council thought when that was drafted. I do imagine that it has something to do with aesthetic concerns and concerns of parking more vehicles on a lot than that house was intended to have occupants.

28. Mr. Lewis – When I'm looking at the proposed PUD, it said event parking shall be sporadic and occasional and shall occur on-site on the southern portion of the site, which is the lawn. That has been a concern to me, because it seems like if we put this into a PUD, we are declaring a double standard. Around the University of Oklahoma, one of the largest employers in the State of Oklahoma, we say during a football game, which generates enormous amounts of money, you can't park on the grass. So why on earth are we even thinking about allowing someone to park on the grass on Main Street? That's just one of my concerns. My other concern certainly is the traffic. It's Main Street. I drive down Alameda every day and there is a preschool that's there – has a minimal number of students, and the cars during the morning are backed up – you can't get around them. I just can't imagine, with a maximum build-out of 275 students, that we're not going to have an issue on Main Street greater than what we already have with the high school and with the other schools that are present. Again, I think it's a great school. But, in this location, I cannot support it.

29. Mr. Gasaway – First, I want to applaud Rose Rock for their concept and their success and it sounds like the parents and the students that are associated with the school are very, very pleased with it. I think that's wonderful. I've lived in a house that bordered a grade school – Monroe Grade School – five years that I lived there was there ever any problem with Monroe. It took me about six months to decide to buy that house because I thought who in the world would want to border a grade school. Six months later, the house was still available and so I bought it and about eight months later the school system put in four of the portable units eight feet from my back yard and I raised holy heck with the city – how could they do that? Well, it's perfectly legal and it turned out fine. Never ever was a problem with Monroe Grade School. So I'd like to assure the residents of that area, to the point that they can, that the school itself will not be the problem – especially, it sounds like, this school, with its unique concepts. I think, however, a big part of the problem will be the traffic. I understand, as I think we all do, that, again, this school is different. But there will be traffic. I think to that extent I need to stick up for the neighborhood. The difference in this school and when I purchased my house next to

Monroe was I got to make that decision knowing full well that Monroe was there. If it was a problem, then that was my fault. I think this is different where we're inserting a school in the middle of a neighborhood. I think Mr. Long was correct; schools do belong in neighborhoods. But I think, typically, they come together or the schools come first and the neighborhood builds around it. I think traffic is a serious problem. I do want to say I think part of the mission of the Planning Commission, besides affording a public hearing where we can hear all sides is where we can help the applicant succeed. But it needs to be beneficial, or at least equal for the residents that already live there. So some suggestions to you all. We're a recommending body and my vote tonight is a barely no. I know that sounds kinda funny. Is no a no, or is barely almost a yes? City Council looks at the comments, probably more than the votes that they get tonight. So what I want to recommend to you all affiliated with the school is to look at those comments that you've heard tonight and see if there aren't some ways to solve those. I know it sounds silly to say find a way to keep the traffic off of Foreman. I don't know how you do that. But I think most of the people here tonight that are in opposition, if you could find a way to do that, would be satisfied. Foreman takes a beating from Norman High School. It starts on Salsbury. I have done it during the middle of the day to avoid the intersection of Main and Berry. I've done it lots of times, and all the high school students do. It's going to be a major problem, not only on Foreman, but when traffic backs up on Main Street to turn into the school, you've essentially reduced it from a 4-lane street to a 2-lane street, and everybody behind those backed up cars then has to change lanes and you've backed up those lanes. I don't know a solution, but I think to get City Council, when you go, if you can come up with some good solutions – they have some ways of compromising sometimes. Maybe consider the school size. I think you've heard lots of comments from people tonight that said if the school is at 150 that makes a big difference to us. It would make a huge impact on the traffic also. You all might consider that. In terms of the zoning issue, I know several of the residents were concerned about that. I asked the Planning Director at our break – I said which of the zoning categories best serves the residents? It's basically a toss up, because if you're R-1, Residential with Special Use for a School and the school does go away, it reverts back to R-1. But that doesn't prevent someone else coming in with a strip center saying I want this to be C-1. It doesn't necessarily protect it. If you go to the PUD for school use only, if the school goes away, that zoning goes away – it's open zoning at that point again. So it's really kind of a toss up. So I don't know which would protect you better. Anyway, those are my somewhat rambling comments.

30. Ms. Pailes – First, compliments to the school. Looking at the plan, the building has a rather irregular shape, which you realize almost immediately is to dodge the mature trees. So they're building around all the mature trees, and that says a lot right there. It's a fabulous concept. It's a great kind of a school. I hope it all works. Having said that, I agree with Commissioner Boeck that R-1 is maybe the way to go, even though that's inconvenient in some way. It doesn't provide total security for the neighborhood that that will remain residential. It seems maybe to provide a little more security for the neighborhood that this would remain residential. So I would vote for R-1. I would vote against the PUD zoning. In terms of traffic, I think you're just going to have to say we've got to deal with it in terms of coming to compromise with the neighborhood. I would think that both the entrance and the exit lanes would have to be at least two lanes wide so parents can park along one side and those people on bicycles could get past them. I can't see how cars and bikes can share the present space. You're just going to have to have more area for parents to park, I personally think. Some of the other issues with that – it has a security gate that opens and closes. Now, I assume it will be open during pick-up times, but I can see a gate that closes between each car to be a problem in having traffic back up if you have a lot of volunteer parents coming to volunteer at a particular time, if you go through one car at a time, you're going to have traffic backing up and you need to deal with that. The gate needs to be further in or something. Phased dismissal sounds great, except that if you have two kids there and they get out half an hour apart either that person stays parked there and doesn't move on or else they circle through the neighborhood and loop back. So phased dismissal sounds good, but it doesn't maybe really reduce traffic for the

neighborhoods. I just think you're going to have to get with the neighborhood and deal with that to keep traffic off of Foreman. I think that's a priority, is to keep traffic off of the residential areas around it. I also think you've got to have a higher fence along Main Street; a four foot fence is going to leak footballs and soccer balls and adventurous little boys. So I think that you're really looking at a higher fence along there just for safety. You don't want pinecones and balls flying into Main Street from the school. It would be my suggestion that the folks from Waldorf go talk to Lincoln Elementary. It's a very similar student population in terms of numbers. It's a very, very similar and analogous physical size in terms of your ground area and they have huge parking problems and a lot of those kids in the area walk, because it's a neighborhood school. So not every kid there is getting picked up; a lot of kids walk and they still have huge pick up parking problems and you have to acknowledge those just are going to exist. As Jim said, we are strictly a recommendation. The Council looks at what we say, but they are not bound by what we do. But this gives everybody a chance to kind of clarify their issues before they go to Council.

Dave Boeck moved to recommend denial of Ordinance No. O-1112-36 and the Preliminary Plat for ROSE ROCK ADDITION to the City Council. Chris Lewis seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Dave Boeck, Jim Gasaway, Cynthia Gordon, Tom Knotts, Curtis McCarty, Roberta Pailes, Chris Lewis, Andy Sherrer
NAYES	None
ABSENT	Diana Hartley

Ms. Tromble announced that the motion to recommend denial of Ordinance No. O-1112-36 and the Preliminary Plat for ROSE ROCK ADDITION to the City Council passed by a vote of 8-0.

* * *

RECESS
9:55 to 10:04 p.m.

* * *

FELLERS SNIDER
ATTORNEYS AND COUNSELLORS AT LAW
FELLERS SNIDER BLANKENSHIP BAILEY & TIPPENS, P.C.

OKLAHOMA CITY ■ TULSA

Blaine Nice
Of Counsel

DIRECT: (405) 232-0621
BNice@FellersSnider.com

March 12, 2013

Ms. Brenda Hall, City Clerk
City of Norman
201 West Gray St.
P.O. Box 370
Norman, OK 73070

Re: *Rose Rock School Rezoning – Ordinance No. O-1112-36*

Dear Ms. Hall:

The above-referenced matter is scheduled for first reading by the City Council on March 12, 2013. Please accept this letter as a request to postpone the above mater to the March 26, 2013 City Council Meeting.

If you have any questions or need any further information, please do not hesitate to contact the undersigned.

Sincerely,

R. Blaine Nice
For the Firm

RBN:MB
615773_v1

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: RPT-1213-38

File ID:	RPT-1213-38	**Type:**	Communication or Report	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 10	**In Control:**	City Council
Department:	Finance Department	**Cost:**		**File Created:**	03/08/2013
File Name:	Finance Report February 2013			**Final Action:**	

Title: SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF FEBRUARY 28, 2013, AND DIRECTING THE FILING THEREOF.

Notes: ACTION NEEDED: Motion to acknowledge receipt of the report and direct the filing thereof.

ACTION TAKEN: _____

Agenda Date: 03/26/2013

Agenda Number: 10

Attachments: Finance Report February 28 2013

Project Manager: Anthony Francisco, Director of Finance

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File RPT-1213-38

DATE: 05-Mar-13

TO: City Council

FROM: Anthony Francisco, Director of Finance
REVIEWED BY: Clint Mercer, Chief Accountant
PREPARED BY: Debbie Whitaker, Municipal Accountant III

SUBJECT: Breakdown of Interest Earnings by Fund

	MONTHLY COMPARISON				ANNUAL COMPARISON			
FUND	MONTHLY BUDGETED INTEREST EARNINGS FYE13	MONTHLY INTEREST EARNINGS February 2013	MONTHLY % INCREASE (DECREASE)	MONTHLY % OF PORTFOLIO HOLDINGS	ANNUAL BUDGETED INTEREST EARNINGS FYE13-YTD	INTEREST EARNINGS YTD FYE13	YTD % INCREASE (DECREASE)	YTD % PORTFOLIO HOLDINGS
GENERAL FUND	$8,583	$942	-89.02%	1.98%	$68,667	$10,699	-84.42%	1.82%
NET REVENUE STABILIZATION	N/A	$621	100.00%	1.30%	N/A	$5,265	100.00%	0.90%
PUBLIC SAFETY SALES TAX FUND	N/A	$4,831	100.00%	10.15%	N/A	$37,337	100.00%	6.37%
ROOM TAX FUND	$250	$84	-66.42%	0.18%	$2,000	$859	-57.04%	0.15%
CAPITAL PROJECTS FUND	$12,500	$10,324	-17.41%	21.70%	$100,000	$291,253	191.25%	49.67%
SINKING FUND	$2,083	$3,816	83.16%	8.02%	$16,667	$14,733	-11.60%	2.51%
G.O. BOND FUND	$167	$0	-100.00%	0.00%	$1,333	$479	-64.04%	0.08%
WESTWOOD FUND	$625	$10	-98.41%	0.02%	$5,000	$2,531	-49.38%	0.43%
WATER FUND	$10,000	$8,328	-16.72%	17.50%	$80,000	$70,905	-11.37%	12.09%
WASTEWATER FUND	$8,333	$4,084	-50.99%	8.58%	$66,667	$33,724	-49.41%	5.75%
DEVELOPMENT EXCISE	$16,667	$6,130	-63.22%	12.88%	$133,333	$51,182	-61.61%	8.73%
SEWER SALES TAX	$5,000	$3,177	-36.46%	6.68%	$40,000	$27,188	-32.03%	4.64%
SANITATION FUND	$2,500	$2,292	-8.33%	4.82%	$20,000	$16,522	-17.39%	2.82%
PARKLAND FUND	$1,250	$501	-59.91%	1.05%	$10,000	$4,319	-56.81%	0.74%
RISK MANAGEMENT FUND	N/A	$464	100.00%	0.97%	N/A	$4,310	100.00%	0.74%
TRUST & AGENCY FUNDS	N/A	$2	100.00%	0.01%	N/A	$20	100.00%	0.00%
TAX INCREMENT DISTRICT	$1,701	$746	-56.15%	1.57%	$13,610	$6,651	100.00%	1.13%
SPECIAL GRANTS FUND	N/A	$692	100.00%	1.45%	N/A	$4,256	100.00%	0.73%
CLEET FUND	N/A	$11	100.00%	0.02%	N/A	$92	100.00%	0.02%
HOUSING	N/A	$0	100.00%	0.00%	N/A		100.00%	0.00%
SITE IMPROVEMENT FUND	N/A	$19	100.00%	0.04%	N/A	$161	100.00%	0.03%
ARTERIAL ROAD FUND	N/A	$215	100.00%	0.45%	N/A	$1,715	100.00%	0.29%
SEIZURES	$42	$298	615.82%	0.63%	$333	$2,139	541.63%	0.36%
	$69,701	$47,588	-31.73%	100.00%	$557,610	586,340	5.15%	100.00%

City funds are invested in interest bearing accounts and investment securities, as directed by the City's Investment Policy. Rates of return on these investments relate directly to current Treasury and Money Market rates. Total funds on deposit of $174.89 million as of 02/28/13 are represented by working capital cash balances of all City funds of approximately $ 87.58 million, outstanding encumbrances of $31.45 million, General Obligation Bond proceeds of $39.16 million, NUA revenue bond proceeds of $8.45 million, NMA bond proceeds of $782 thousand, and UNP TIF reserve amounts of $7.47 million.

INVESTMENT BY TYPE

February 28, 2013

LIST BY TYPE	SEC. NO.	PURCHASED	MATURITY	YIELD	EARNED INTEREST	COST	MARKET
**Checking							
BANK OF AMERICA	GEN'L DEP.			0.20%	$37.94	$247,314.07	$247,314.07
BANK OF OKLAHOMA	GEN'L DEP.			0.15%	$2,422.63	$33,905,222.94	$33,905,222.94
BANK OF OKLAHOMA	WARRANTS PAYABLE					($2,820,037.22)	($2,820,037.22)
BANK OF OKLAHOMA	PAYROLL					($1,248,010.83)	($1,248,010.83)
BANK OF OKLAHOMA	COURT BOND REFUNDS					$287,742.63	$287,742.63
BANK OF OKLAHOMA	INSURANCE CLAIMS					($326,992.63)	($326,992.63)
BANK OF OKLAHOMA	LOCK BOX					$1,526,032.09	$1,526,032.09
BANK OF OKLAHOMA	FLEXIBLE SPENDING					($7,802.46)	($7,802.46)
**Subtotal					$2,460.57	$31,563,468.59	$31,563,468.59
**Money Market							
BANCFIRST-NUA	MONEY MKT.			0.01%	$0.88	$414,363.68	$414,363.68
BANCFIRST-NMA Sanitat.	MONEY MKT.			0.01%	$3.30	$451,142.57	$451,142.57
BANCFIRST-NMA Golf	MONEY MKT.			0.01%	$0.89	$330,739.02	$330,739.02
BANCFIRST-NUA Water	MONEY MKT.			0.01%	$39.26	$8,030,855.16	$8,030,855.16
BANK OF OKLAHOMA UNP TIF	MONEY MKT.			0.01%	$51.22	$7,001,043.94	$7,001,043.94
REPUBLIC BANK UNP TIF	MONEY MKT.			0.30%	$115.67	$469,199.02	$469,199.02
FIRST FIDELITY	MONEY MKT.			0.21%	$9.05	$0.00	$0.00
BANK OF OKLAHOMA	MONEY MKT.			0.15%	$1.65	$24,097.80	$24,097.80
BANK OF OKLAHOMA	MONEY MKT.			0.15%	$17.18	$251,465.81	$251,465.81
BANK OF OKLAHOMA-Clean Wtr	MONEY MKT.				$0.00	$104.01	$104.01
BANK OF OKLAHOMA- 2008A	MONEY MKT.			0.15%	$41.25	$590,443.89	$590,443.89
BANK OF OKLAHOMA-2008B	MONEY MKT.			0.15%	$65.92	$805,766.51	$805,766.51
BANK OF OKLAHOMA-2012A	MONEY MKT.			0.15%	$19.10	$278,876.57	$278,876.57
BANK OF OKLAHOMA-2012B	MONEY MKT.			0.15%	$1,002.13	$14,410,302.04	$14,410,302.04
BANK OF OKLAHOMA-2012C	MONEY MKT.			0.15%	$198.39	$2,896,694.51	$2,896,694.51
BANK OF OKLAHOMA-2012D	MONEY MKT.			0.15%	$1,122.15	$20,177,705.66	$20,177,705.66
**Subtotal					$2,688.04	$56,132,800.19	$56,132,800.19
**Sweep/Overnight							
JP MORGAN	SHORT TERM			0.00%	$0.00	$9,723,768.68	$9,723,768.68
**Certificate of Deposit							
FIRST FIDELITY BANK	CD	09/30/12	09/30/13	0.30%	$62.50	$250,000.00	$250,000.00
GREAT NATIONS BANK	CD	09/30/12	09/30/13	0.65%	$135.42	$250,000.00	$250,000.00
VALLIANCE BANK	CD	11/30/12	11/30/13	0.45%	$93.54	$250,000.00	$250,000.00
**Subtotal					$291.46	$750,000.00	$750,000.00
**U.S. Treasury Securities/Agency Securities							
US T-Note	912828MN7	05/20/11	02/15/13	0.48%	1,509.77	7,500,000.00	$0.00
FFCB	31331JBV4	06/30/11	02/21/13	0.49%	582.13	2,000,000.00	$0.00
FHLMC	312SX1EJ2	12/31/09	05/22/13	2.08%	3,878.03	2,000,000.00	$2,017,760.00
FHLB	3133XYHD0	07/22/10	06/14/13	1.05%	3,671.71	4,000,000.00	$4,016,360.00
FFCB	31331KET3	05/20/11	09/23/13	0.80%	3,389.05	5,000,000.00	$5,021,950.00
FHLB	313376UFO	03/30/12	01/29/14	0.38%	2,127.16	7,500,000.00	$7,512,525.00
FAMCA	31315PSG5	09/29/11	03/14/14	1.50%	1,055.00	2,000,000.00	$2,026,540.00
US T-Note	912828KV1	06/30/11	05/31/14	0.76%	2,583.55	3,500,000.00	$3,588,445.00
FHLB	313379SK6	08/31/12	07/02/14	0.40%	1,148.33	4,500,000.00	$4,510,305.00
FNMA	31398A3G5	08/31/11	09/08/14	1.50%	1,505.43	3,000,000.00	$3,049,530.00
FFCB	3133EC5G5	11/29/12	11/26/14	0.25%	569.04	2,500,000.00	$2,499,000.00
FNMA	3136FPEW3	03/30/12	12/16/14	1.50%	528.22	1,000,000.00	$1,020,690.00
FFCB	3133EANJ3	05/31/12	05/01/15	0.50%	2,251.18	5,500,000.00	$5,518,920.00
FHLB	3133XWNB1	08/30/12	06/12/15	2.70%	1,583.60	3,170,000.00	$3,350,309.60
FNMA	3135G0LN1	05/31/12	07/02/15	0.50%	2,635.67	5,500,000.00	$5,517,380.00
FNMA	3136FPAB3	11/30/11	08/18/15	0.96%	2,216.78	2,500,000.00	$2,596,125.00
FNMA	31398A3T7	11/30/11	09/21/15	1.00%	1,836.10	2,000,000.00	$2,081,300.00
FHLB	3133796P9	04/30/12	10/30/15	0.60%	1,822.92	3,500,000.00	$3,520,790.00
FHLB	3133724Y7	04/27/12	12/23/15	1.90%	1,959.73	3,000,000.00	$3,132,900.00
FNMA	3135G0ES8	05/31/12	11/15/16	1.30%	3,138.48	4,250,000.00	$4,379,837.50
FNMA	31359M2D4	12/24/12	12/15/16	4.88%	2,155.73	2,800,000.00	$3,248,924.00
**Subtotal					42,147.61	76,720,000.00	$68,609,591.10
TOTAL					47,587.68	174,890,037.46	$166,779,628.56

The Governmental Accounting Standards Board requires the reporting of market values of investment securities. These market values represent the amount of money the security would sell for on the open market, if cash flow demands were such that the security had to be sold. The City of Norman purchases investment securities with the intent of holding them to maturity, as stated in the City's Investment Policy. Only in exceptional circumstances would securities be sold before their maturity, due to cash flow demands or favorable market conditions.

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: RPT-1213-39

File ID:	RPT-1213-39	**Type:**	Communication or Report	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 11	**In Control:**	City Council
Department:	City Manager Department	**Cost:**		**File Created:**	03/08/2013
File Name:	Monthly Dept Report February 2013			**Final Action:**	

Title: SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF FEBRUARY, 2013, AND DIRECTING THE FILING THEREOF.

Notes: ACTION NEEDED: Motion to acknowledge receipt of the reports and direct the filing thereof.

ACTION TAKEN: _____

Agenda Date: 03/26/2013

Agenda Number: 11

Attachments: Monthly Report February 2013

Project Manager: Carol Coles, Administrative Assistant

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File RPT-1213-39

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: RPT-1213-42

File ID:	RPT-1213-42	**Type:**	Communication or Report	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 12	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	03/11/2013
File Name:	NCVB Report as of 12/31/12			**Final Action:**	

Title: CONSIDERATION OF THE NORMAN CONVENTION AND VISITOR'S BUREAU, INC., (NCVB) SEMI-ANNUAL REPORT ENDING DECEMBER 31, 2012.

Notes: ACTION NEEDED: Motion to acknowledge receipt of the report and direct the filing thereof.

ACTION TAKEN: _____

Agenda Date: 03/26/2013

Agenda Number: 12

Attachments: Text File NCVB, NCVB Semi-Annual Report

Project Manager: Brenda Hall, City Clerk

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File RPT-1213-42

body

INFORMATION: Amendment No. Six to Contract No. K-9293-136 was approved by City Council on June 22, 2011, which requires that "The NCVB shall report to the City no less than approximately semi-annually, with information that provides the City with a reasonably good understanding of the activities that the NCVB has undertaken since the prior reporting, through efforts to encourage, promote, and foster the convention and tourism development of the City." The NCVB has submitted a report for activities through December 31, 2012.

NORMAN

Visit Norman.com

2013 SEMI-ANNUAL REPORT

SEMI ANNUAL REPORT 2013

YEAR AT A GLANCE {PG. 3}

SALES & PUBLIC RELATIONS {PG. 4&5 }

MARKETING & WEBSITE {PG. 6&7}

DESTINATION DEVELOPMENT {PG. 8}

FROM THE EXECUTIVE DIRECTOR

As the Norman CVB approaches its 20th anniversary in May 2013, the organization's effectiveness as the entity responsible for driving tourism to the community shows gains in the visitor volume measureables in the first half of the 2013 fiscal year.

From FY 2012 to FY 2013, 17 of the 18 key indicators increased. As media consumption continues to evolve to websites and mobile-friendly websites, VisitNorman.com's analytics and statistics showed enormous growth versus 2012.

The sales staff has generated more leads to the hotels so far in 2013 and booked more business in Norman's properties. The number of media placements and impressions also increased to date in the fiscal period.

We are delighted to drive increasing gains. Through research and constant review by the board and staff, fresh marketing programs can only lead to positive gains for the next 20 years.

Sincerely,

Stephen Koranda, CTA
Executive Director

NCVB BOARD & STAFF

EXECUTIVE BOARD

CHAIR	KRIS GLENN
VICE CHAIR	SUZANNE MCAULEY
TREASURER	WILLIAM MURRAY
SECRETARY	MICHAEL VANCE
PAST CHAIR	JOE SPARKS

MEMBERS

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SANDY HUSE	RANDY LAFFOON
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PAIGE WILLLIAMS	

EX-OFFICIO

BRENDA HALL	LINDA LOCKETT
DON WOOD	JOHN WOODS

STAFF

STEPHEN KORANDA, CTA
EXECUTIVE DIRECTOR

MICHELLE SAMP, CMP, CTA
SALES MANAGER

SUSAN BASH, CTA
SALES MANAGER

STEFANIE BRICKMAN, CTA
COMMUNICATIONS MANAGER

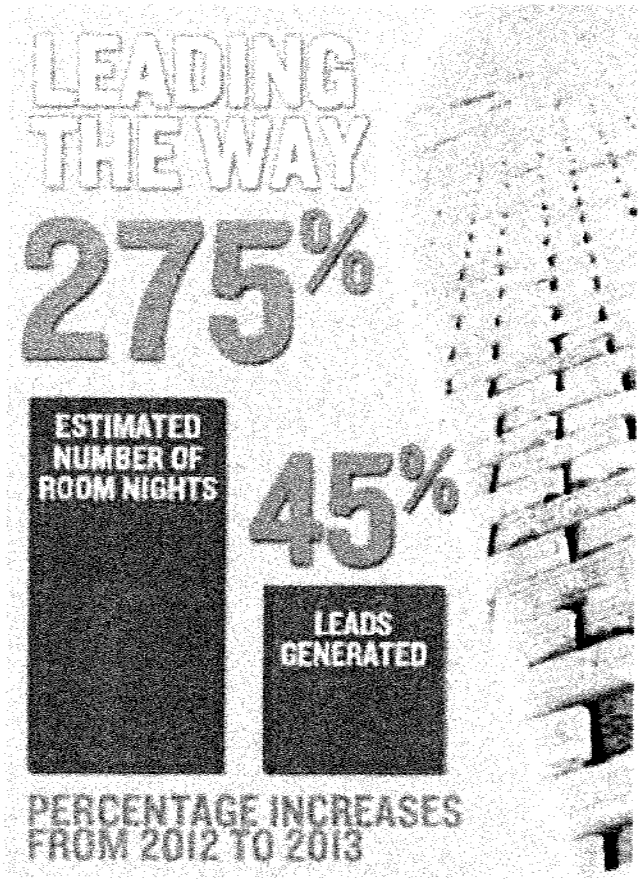
TAYLOR MAULDIN, CTA
VISITORS SERVICES SPECIALIST

YEAR AT A GLANCE

	2013		2012
LEISURE TRAVEL ADVERTISEMENT & COMMUNICATIONS			
NUMBER OF PROGRAMS	91	↑	77
NUMBER OF GROSS IMPRESSIONS	4,573,461	↑	1,826,100
NUMBER OF CONVERSIONS	60,233	↑	39,802
LEISURE TRAVEL MEDIA RELATIONS			
MEDIA PLACEMENTS	193	↑	47
NUMBER OF IMPRESSIONS	83.64 MILLION	↑	8.995 MILLION
ADVERTISING EQUIVALENCY	$48,224	↓	$65,561
CONVENTION/SPORTS PERFORMANCE MEASURES			
NUMBER OF LEADS	13	↑	12
ESTIMATED NUMBER OF ROOM NIGHTS	7,515	↑	5,192
NUMBER OF BOOKINGS	15	↑	4
ESTIMATED NUMBER OF BOOKED ROOM NIGHTS	7,387	↑	248
ESTIMATED SPENDING OF BOOKED ROOM NIGHTS	$4,491,785	↑	$85,996
NUMBER OF GROUPS SERVICED	24	↑	4
ESTIMATED NUMBER OF ROOM NIGHTS FOR GROUPS SERVICED	2,322	↑	580
ESTIMATED SPENDING OF SERVICED ROOM NIGHTS	$1,461,817	↑	$588,448
VISITOR VOLUME MEASURES			
RETURN ON INVESTMENT	$105 : $1	↑	$31.93 : $1
NCVB EXPENDITURES	$282,017	↓	$296,385
OCCUPANCY OF HOTELS AND B&BS	64.5 PERCENT	↑	60.1 PERCENT
AVERAGE DAILY RATE	$80.96	↑	$80.25
TRANSIENT GUEST TAX COLLECTION	$717,080	↑	$591,773
SALES TAX COLLECTIONS	$26.53 MILLION	↑	$24.77 MILLION
ECONOMIC IMPACT OF TOURISM *ESTIMATED EVERY OTHER YEAR	$158 MILLION	⇆	$158 MILLION
PER PERSON EXPENDITURE (OVERNIGHT) *ESTIMATED EVERY OTHER YEAR	$608	⇆	$608
PER PERSON EXPENDITURE (DAY TRIP) *ESTIMATED EVERY OTHER YEAR	$172	⇆	$172

{SALES}

The NCVB sales staff sent out 13 LEADS. Of those, to date, 15 groups have contracted to hold their events in Norman representing 7,387 ROOM NIGHTS – all increases over the same time period in the previous year. Some of the 15 groups contracted to hold events represent leads from previous time periods.



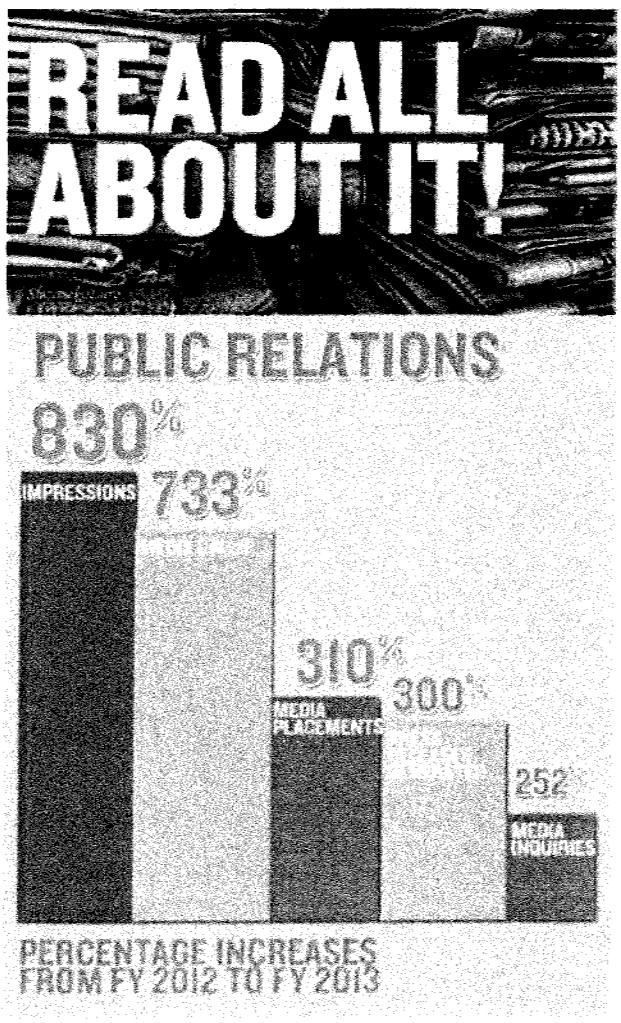
As the NCVB services more and more groups, we started tracking the groups serviced separately in FY 2012. In the first half of FY 2013, the NCVB serviced 24 groups representing 2,322 ROOM NIGHTS with an estimated spending of serviced room nights of $1.46 MILLION. These figures are all increases versus the same time period a year earlier.

Activities leading to these increases include our attendance at three national trade shows making more than 100 individual appointments, networking through state and national associations and increased contacts with meeting professionals and sport event managers in our ever-increasing database. Other programs include advertising on two industry websites (Cvent.com and ASAEBuyersGuide.com) and e-mail marketing to targeting industry groups.

{PUBLIC RELATIONS}

During the Fiscal Year, there were 193 MEDIA PLACEMENTS, reaching 83.64 MILLION READERS and totaling $48,224 IN ADVERTISING EQUIVALENCY.

The impressions jumped from eight million to 84 million, in which more than a third were courtesy of a CNBC online story listing Norman as one of the U.S.' most affordable cities for which the NCVB assisted in the news gathering process. The advertising equivalency dipped in the time period as smaller publications printed press mentions; although there were more impressions throughout the time period.



The communications manager generated 52 press releases that resulted in 102 MEDIA INQUIRIES. She attended an out-of-state media blitz to Texas and within southeastern Oklahoma with the Frontier Country Marketing Association and conducted a solo media blitz through North and Central Texas, making a total of 30 media contacts.

The NCVB continues to provide media relation services to more than a dozen Norman festivals and events.

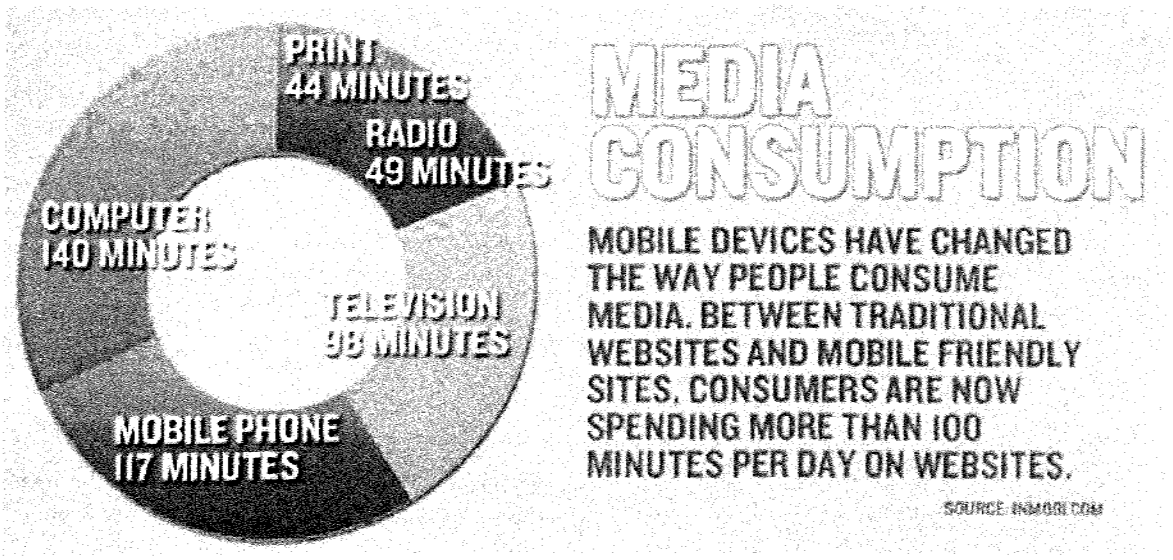
{MARKETING}

During the first half of FY 2013, the NCVB conducted 91 MARKETING PROGRAMS, seen by 4.5 MILLION PEOPLE, resulting in 60,223 CONVERSIONS – all increases over the previous year.

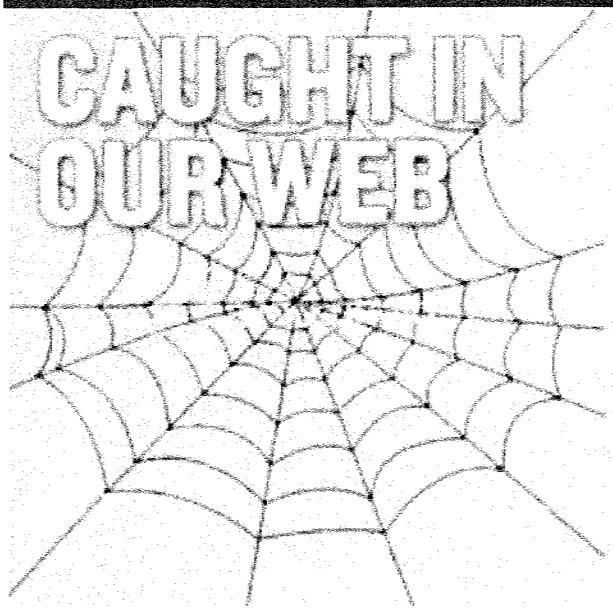
The NCVB promoted Norman at three trade shows in two states, gathering contact information for nearly 500 potential visitors.

Within the leisure market, the CVB staff also attended the Dallas travel show in November, numerous student orientations in August as the University of Oklahoma began its academic year and participated in local events and fairs including the Downtown Christmas Parade and the National Weather Festival.

As media consumption increases in larger numbers online, the NCVB has increased its presence on Video Globetrotter, Trip Advisor, TravelGuidesFree.com and TravelOK.com as well as the online components of Midwest Living, Better Homes & Gardens and Southern Living. Banner ads on TravelOK.com — the state travel website — garnered Norman more than ONE MILLION IMPRESSIONS.



{VISITNORMAN.COM}



308% INCREASE IN THE NUMBER OF UNIQUE VISITS

229% INCREASE IN NUMBER OF UNIQUE VISITORS

125% INCREASE IN THE NUMBER OF WEB PAGES VIEWED

112% INCREASE IN THE NUMBER OF REPEAT VISITORS TO THE SITE

During the Fiscal Year, the number of unique visitors to VisitNorman.com more than TRIPLED. The number of users viewed by those visitors more than DOUBLED. And the number of pages increased by 125 PERCENT.

Total mobile visits increased in the first half of FY 2013 by TENFOLD versus FY 2012 when the CVB debuted the mobile version of VisitNorman.com.

Additionally, the NCVB staff monitors and updates regularly information on countless websites about Norman, our attractions, events, hotels and other offerings.

Norman's presence in social media increased as the number of followers and likes on Twitter and Facebook respectively grew steadily, YIELDING 1.437 MILLION IMPRESSIONS.

{DESTINATION DEVELOPMENT}

The continued development of Norman as a destination is a primary focus of the NCVB. The NCVB participated with the TRANSPORTATION BOND COMMITTEE as the voters passed the $46.2 million package that will widen Lindsey Street from 24th Ave. SW from Berry Road — a gateway to our city. The NCVB co-funded a WAYFINDING SIGNAGE PROGRAM which will aid the visitor experience.

CTA
CERTIFIED TOURISM AMBASSADOR™
Enhancing the Visitor Experience™

Working with community partners, the CVB communicated with city officials to work toward the April election that will ask citizens to raise the TRANSIENT GUEST TAX from four to five percent. The increase in revenue for the CVB as well as the Norman Arts Council and Norman Parks and Recreation Department could further develop venues and other visitor attractions to generate additional revenue for the city.

CERTIFIED TOURISM AMBASSADOR training continued throughout the first half of the fiscal year. Staff members became certified through the national program. The Norman CVB has partnered with the Oklahoma City and Edmond CVBs to present this program to metro-area hospitality points of contact.

The CVB REGULARLY INFORMED the hotels of the new information affecting their properties. The NCVB continues to host hospitality roundtables covering a realm of industry topics.

{GLOSSARY}

ADVERTISING EQUIVALENCY What editorial coverage in a magazine, newspaper, online, radio or television would cost if it were advertising space (or time).

AVERAGE DAILY RATE (ADR) A metric widely used in the hospitality industry to indicate the average realized room rental per day.

BLITZ (SALES OR MEDIA) a high volume series of appointments scheduled with targeted meeting planners or media professionals over a day or two.

BOOKED BUSINESS (Booked Hotel Room Night) When a group (conference, meeting, sporting event) contracts with a hotel to house attendees or participants in the contracted hotel.

CONVERSIONS The number of consumers the CVB has converted from a marketing program. Conversions are tabulated on website visits, requests for visitor guides or other brochures, welcome center traffic, calls to the office, e-newletter subscriptions, opens of e-newsletters, and click throughs from e-newsletters.

IMPRESSION The number of people who may have seen an article about or advertisement for Norman.

LEAD Sharing specific group (conference, meeting or sport) details with hotel partners to communicate a clients' needs in order to prepare a proposal per the groups' request for proposal (RFP).

MEDIA INQUIRY When a media member contacts the CVB as a response to a generated press release or request for information or assistance in the news gathering process.

OCCUPANCY The percentage of hotel, motel and bed and breakfast rooms that are occupied by guests at a given time.

PROGRAMS Marketing initiatives undertaken by the CVB to attract a potential visitor to inquire about information, visit our website, call or visit our welcome center (a conversion). Programs include advertising online, in print, electronically or outdoor (billboard), being present at trade shows or exhibition booths, travel information center fulfillment, visitor guide fulfillment, and/or search engine marketing.

SERVICED BUSINESS (Serviced Room Nights / Groups) Any group (conference, meeting, sporting event) to whom the CVB has provided service. Service could include welcome bags / visitor guide fulfillment, registration assistance, media relations, name badge printing, or pre-event /attendance generation mailers.

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: K-1213-65

File ID:	K-1213-65	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 13	**In Control:**	City Council
Department:	Utilities Department	**Cost:**	$373,840.00	**File Created:**	03/12/2013
File Name:	Apple Creek Water Line Pojrect			**Final Action:**	

Title: CONSIDERATION OF AWARDING OF BID NO. 1213-32, THE NORMAN UTILITIES AUTHORITY'S APPROVAL OF CONTRACT NO. K-1213-65 WITH CENTRAL CONTRACTING SERVICES, INC. IN THE AMOUNT OF $373,840; PERFORMANCE BOND NO. B-1213-65; STATUTORY BOND NO. B-1213-66, AND MAINTENANCE BOND NO. MB-1213-15 FOR THE APPLE CREEK WATER LINE CONSTRUCTION PROJECT AND BUDGET APPROPRIATION.

Notes: ACTION NEEDED: Acting as the Norman Utilities Authority, motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $373,840 to Central Contracting Services, Inc., as the lowest and best bidder meeting specifications; approve Contract No. K-1213-65 and the performance, statutory, and maintenance bonds; authorize execution of the contract and bonds and the Norman Utilities Authority to pay vendors for equipment and supplies as directed by the contractor; direct the filing of the bonds; and appropriate $224,101 from the Water Fund Balance (031-0000-253.00-00) to Project No. WA0041, Hot Soils, Apple Creek, Construction (031-9360-462.61-01).

ACTION TAKEN: _____

Agenda Date: 03/26/2013

Agenda Number: 13

Attachments: Text File Apple Creek, Bid Summary, K-1213-65, Performance B-1213-66, Stat B-1213-67, MB-1213-15, AppleCreekWaterline_LocationMap, PR Central

Project Manager: Jim Speck, Capital Projects Engineer

Entered by: jim.speck@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File K-1213-65

Body

BACKGROUND: Capital project WA0041 provides for replacement of about 2,800 feet of ductile iron (DI) water main with C900 Polyvinyl Chloride (PVC) pipe in the Apple Creek Apartment area of Prairie Creek Addition. The D.I. pipe is not compatible with the acidic soil and is failing, causing extensive damage to driveways, streets, and yards.

On August 25, 2009, the Norman Utilities Authority (NUA) approved Contract No. K-0910-62 with Cardinal

Engineering for on-call engineering and drafting services and Contract No. K-0910-55 with Lemke Land Surveying for on-call surveying. The Apple Creek project is the type of basic engineering work that the on-call contracts are meant to address. The waterline replacement design was performed by staff with the assistance of Cardinal Engineering and Lemke Land Surveying.

DESCRIPTION: Advertisement for Bid No. 1213-32 for construction of the Apple Creek Water Line Project was published in the *Norman Transcript* on February 7th and February 14th, 2013. Six bidders submitted bids for this project on February 28, 2013. As shown on the attached bid tabulation, Central Contracting Services, Inc. of Norman, Oklahoma was the low bidder at $373,840 with other bids ranging between $517,851 and $1,058,700. Staff estimated the construction cost to be $449,580. Staff has reviewed the bids and recommends the NUA award the bid to Central Contracting Services, Inc. in the amount of $373,840.

The Apple Creek Waterline Project is funded through Water Distribution System Construction (031-9360-462.61-01; project WA0041). The FYE 2013 budget has an unencumbered balance of $196,363 for this project. Additional construction funds are required from the Water Fund Balance (account 031-0000-253.00-00). Funds needed include $373,840 for Contract No. K-1213-65, $8,400 for new meters, and $38,224 for a 10% contingency for a total of $420,464. With $196,363 available, additional funds totaling $224,101 are required for the Apple Creek Water Line Project.

The City of Norman is exempt from the payment of any sales or use taxes. Pursuant to Title 68 O.S., Section 1356(10) and as allowed by Oklahoma Tax Commission Rules Part 27 Trust Authority 710:65-13-140, direct vendors to the NUA are also exempt from those taxes. A bidder and his subcontractors may exclude from their bid sales taxes on appropriate equipment, materials, and supplies that will not have to be paid while acting on behalf of the NUA. To minimize project costs, the NUA will make payment directly to vendors supplying equipment and materials for incorporation into the project.

RECOMMENDATION: It is recommended that the NUA accept the bids received in response to Bid No. 1213-32 and award the bid to Central Contracting Services, Inc. of Norman, OK. It is further recommended that the NUA authorize the appropriation of funds in the amount of $224,101 from Water Fund Balance (account 031-0000-253.00-00) to Water Distribution System Construction (account 031-9360-462.61-01; project WA0041), and that the NUA approve Contract K-1213-65 in the amount of $373,840 with Central Contracting Services, Inc., Maintenance Bond MB-1213-15, Performance Bond B-1213-66, and Statutory Bond B-1213-67; all bonds being in the amount of the construction contract. Finally, it is recommended that the NUA authorize and direct the Utilities Director to approve the purchase of equipment and materials for this project directly from vendors at prices agreed to by Central Contracting Services, Inc.

BID SUMMARY

Contractor	Base Bid
Central Contracting Services, Inc. 17300 S Sunnylane Norman, OK 73700	$ 373,840.00
Davenport Construction 6001 W. Horseshoe Bend Edmond, OK 73034	$ 706,127.00
Downey Contracting 3217 NE 63rd Street Oklahoma City, OK 73121	$ 517,851.00
F. T. Construction 2201 S. Eastern St. Oklahoma City, OK 73129	$ 537,106.98
Matthews Trenching P. O. Box 15479 Oklahoma City, OK 73120	$ 1,058,700.00
Orion Construction Services 229 Alliance Court Oklahoma City, OK 73128	$ 596,547.38
Engineer's Estimate	$ 449,580.00

CONTRACT

THIS CONTRACT made and entered into this _____ day of _____, 20____, by and between the NORMAN UTILITIES AUTHORITY, a Public Trust of the State of Oklahoma, hereinafter designated as the AUTHORITY, and Central Contracting Services, Inc. _, hereinafter designated as the CONTRACTOR.

WITNESSETH

WHEREAS, the AUTHORITY has caused to be prepared in accordance with law, specifications, and other bidding documents for the work hereinafter described and has approved and adopted all of said bidding documents, and has caused Notice to Bidders to be given and advertised as required by law, and has received sealed proposals for the furnishing of all labor and materials for the following project:

APPLECREEK WATERLINE PROJECT
NORMAN, OKLAHOMA

as outlined and set out in the bidding documents and in accordance with the terms and provisions of said CONTRACT; and,

WHEREAS, the CONTRACTOR in response to said Notice to Bidders, has submitted to the AUTHORITY in the manner and at the time specified, a sealed proposal in accordance with the terms of this CONTRACT; and,

WHEREAS, the AUTHORITY, in the manner provided by law, has publicly opened, examined, and canvassed the proposals submitted and has determined and declared the above-named CONTRACTOR to be the lowest and best Bidder on the above-prepared project, and has duly awarded this CONTRACT to said CONTRACTOR, for the sum named in the proposal, to wit:

three-hundred-seventy-three thousand, eight-hundred-forty & 00/100 Dollars ($ 373,840.00).

NOW, THEREFORE, for and in consideration of the mutual agreements, and covenants herein contained, the parties to this CONTRACT have agreed, and hereby agree, as follows:

1) The CONTRACTOR shall, in a good and first-class, workman-like manner at his own cost and expense, furnish all labor, materials, tools, and equipment required to perform and complete said work in strict accordance with this CONTRACT and the following CONTRACT Documents:

- the Bid Notice published in The Norman Transcript;
- the Notice to Bidders;
- the Instructions to Bidders;
- the CONTRACTOR'S Bid or Proposal;
- the Construction Drawings, Specifications, and Provisions; and

- the Bonds thereto; all of which documents are on file in the Office of the Purchasing Department of the NORMAN UTILITIES AUTHORITY, and are made a part of this CONTRACT as fully as if the same were set out at length, with the following additions and/or exceptions:

_____

_____

_____

_____

2) The AUTHORITY shall make payments, minus a retainage as stipulated in the CONTRACT Documents, to the CONTRACTOR in the following manner: On or about the first day of each month, the project manager, or other appropriate person, will make accurate estimates of the value, based on CONTRACT prices, of work done, and materials incorporated in the work and of materials suitably stored at the site thereof during the preceding calendar month. The CONTRACTOR shall furnish to the project manager, or other appropriate person, such detailed information as he may request to aid him as a guide in the preparation of the monthly estimates.

Each monthly estimate for payment must contain or have attached an affidavit in accordance with the Constitution of the State of Oklahoma, Title 74, Section 3109-3110, and Title 62, Section 310.09.

On completion of the work, but prior to the acceptance thereof by the AUTHORITY, it shall be the duty of the project manager, or other appropriate person, to determine that said work has been completely and fully performed in accordance with said CONTRACT Documents; and upon making such determinations said official shall make his final certificate to the AUTHORITY.

The CONTRACTOR shall furnish proof that all claims and obligations incurred by him in connection with the performance of said work have been fully paid and settled; said information shall be in the form of an affidavit, which shall bear the approval of the surety on the CONTRACT Bonds for payment of the final estimate to the CONTRACTOR; thereupon, the final estimate (including retainage) will be approved and paid.

3) It is further agreed that the CONTRACTOR will commence said work within ten (10) calendar days following receipt of a NOTICE-TO-PROCEED, and prosecute the same vigorously and continuously, and complete the same within one-hundred and fifty (150) calendar days following receipt of said NOTICE-TO-PROCEED.

4) That the AUTHORITY shall pay the CONTRACTOR for the work performed as follows:
   a) Payment for unit price items shall be at the unit price bid for actual construction quantities. (or) Payment for the lump sum price items shall be at the price bid for actual construction complete in place.
   b) Construction items specified but not included as bid items shall be considered incidental and shall not be paid for directly, but shall be included in the bid price for

any or all of the pay quantities. Should any defective work or materials be discovered or should a reasonable doubt arise at to the quality of any work completed, there will be deducted from the next estimate an amount equal to the value of the defective or questionable work and shall not be paid until the defects are remedied. And that the CONTRACTOR'S bid is hereby made a part of this CONTRACT.

5) That the AUTHORITY reserves the right to add to or subtract from the estimated quantities or amount of work to be performed up to a maximum of 15% of the total bid price. The work to be performed or deducted shall be at the unit price bid.

6) That the CONTRACTOR will not undertake to furnish any materials or to perform any work not specifically authorized under the terms of this Agreement unless additional materials or work are authorized by written Change Order, executed by the AUTHORITY; and that in the event any additions are provided by the CONTRACTOR without such authorization, the CONTRACTOR shall not be entitled to any compensation therefore whatsoever.

7) That if any additional work is performed or additional materials provided by the CONTRACTOR upon authorization by the AUTHORITY, the CONTRACTOR shall be compensated therefore at the unit price bid or as agreed to by both parties in the execution of the Change Order.

8) That the CONTRACTOR shall perform the work and provide the materials strictly in accordance with the specifications as to quality and kind and all work and materials shall be subject to rejection by the AUTHORITY through its authorized representatives for failure to meet such requirements, and in the event of such rejection, the CONTRACTOR shall replace the work and materials without compensation therefore by the AUTHORITY.

9) The CONTRACTOR shall complete the work in accordance with the terms of this Agreement. The CONTRACTOR agrees to pay as liquidated damages, the sum Two-Hundred-Forty ($ 240) for each consecutive calendar day thereafter the specified time for completion, as provided in the General Conditions.

10) The CONTRACTOR shall furnish surety bonds and certificate of insurance as specified herein which bonds and insurance must be approved by the AUTHORITY prior to issuance of the Work Order and commencement of work on the project.

11) The CONTRACTOR shall indemnify, hold harmless, and defend the AUTHORITY from and against any and all liabilities, claims, penalties, fines, forfeitures, suits and the cost and expenses incidental thereto (including cost of defense, settlement, and the reasonable attorney's fees) which may be alleged against the AUTHORITY or which the AUTHORITY may incur, become responsible for, or pay out as a result of death or bodily injury to any person, destruction, or damage to any property, contamination of or adverse effects on the environment, or any violation or alleged violation of governmental laws, regulations orders, to the extent that such damage was caused by the CONTRACTOR or CONTRACTOR'S agents negligence, willful or intentional act or omission, breach or contract or a failure of CONTRACTOR'S warranties to be true, accurate, or complete.

12) IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed, in four (4) duplicate originals, the day and year first above written.

To that end, no provision of this CONTRACT or of any such aforementioned documents shall be interpreted or given legal effect to create an obligation on the part of the AUTHORITY to third persons, including, by way of illustration but not exclusion, sureties upon performance bonds, payment bonds or other bonds, assignees of the CONTRACTOR, subcontractors, and persons performing labor, furnishing material or in any other way contributing to or assisting in the performance of the obligations of the CONTRACTOR; nor shall any such provisions be interpreted or given legal effect to afford a defense against any obligation owed or assumed by such third person to the AUTHORITY or in any way to restrict the freedom of the AUTHORITY to exercise full discretion in its dealing with the Contractor.

The sworn, notarized statement below must be signed and notarized before this Contract will become effective.

STATE OF Oklahoma)
COUNTY OF Cleveland)§

James L. Tipken, of lawful age, being first duly sworn, on oath says that (s)he is the agent authorized by CONTRACTOR to submit the above CONTRACT to the AUTHORITY. Affiant further states that CONTRACTOR has not paid, given or donated or agreed to pay, give, or donate to any officer or employee of the AUTHORITY any money or other thing of value, either directly or indirectly, in the procuring of the CONTRACT.

James L Tipken

Submitted and sworn to before me this 12th day of March, 20 13.

Dana N Switzer

Notary Public

TARA N. SWITZER NOTARY PUBLIC 07006632 EXP. 7/12/15 STATE OF OKLAHOMA

My Commission Expires:
07/12/2015

IN WITNESS WHEREOF, the said parties of the First and Second Part have hereunto set their hands and seals respectively the 13th day of March, 20 13, and the _____ day of _____, 20____.

(Corporate Seal) (where applicable)

Central Contracting Services, Inc.

PRINCIPAL

ATTEST

James L Tipken

Corporate Secretary (where applicable)

Signed: James L Tipken

Authorized Representative

James L. Tipken, President

Name and Title

Address: 17301 S. Sunnylane

Norman, OK 73071

Telephone: 405-895-6250

NORMAN UTILITIES AUTHORITY

APPROVED as to form and legality this 18 day of March, 2013.

AUTHORITY Attorney

Approved by the Trustees of the NORMAN UTILITIES AUTHORITY this _____ day of _____, 20____.

NORMAN UTILITIES AUTHORITY

ATTEST

By: _____ _____

Title: Chairman Secretary

PERFORMANCE BOND

Know all men by these presents that Central Contracting Services, Inc., as PRINCIPAL, and American Safety Casualty Insurance Company, a corporation organized under the laws of the State of Oklahoma, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto NORMAN UTILITIES AUTHORITY, a Public Trust of the State of Oklahoma, herein called AUTHORITY, in the sum of three-hundred-seventy-three thousand, eight-hundred-forty & 00/100 Dollars ($ 373,840), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally.

WHEREAS, the conditions of this obligation are such, that the PRINCIPAL, being the lowest and best bidder on the following PROJECT:

APPLECREEK WATERLINE PROJECT
NORMAN, OKLAHOMA

has entered into a written CONTRACT (K-1213-65) with the AUTHORITY, dated _____ for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

NOW, THEREFORE, if PRINCIPAL shall, in all particulars, well and truly perform and abide by the CONTRACT and all specifications and covenants thereto; and if the PRINCIPAL shall promptly pay or cause to be paid all indebtedness incurred for labor and materials and repairs to and parts for equipment furnished in the making of this PROJECT, whether incurred by the PRINCIPAL or subcontractors; and if the PRINCIPAL shall protect and hold harmless the AUTHORITY from all loss, damage, and expense to life or property suffered or sustained by any person, firm, or corporation caused by the PRINCIPAL or his or its agents, servants, or employees in the construction of the PROJECT, or by or in consequence of any negligence, carelessness or misconduct in guarding and protecting the same, or from any act or omission of the PRINCIPAL or his or its agents, servants, or employees; and if the PRINCIPAL shall protect and save the AUTHORITY harmless from all suits and claims of infringement or alleged infringement or patent rights or processes, then this obligation shall be null and void. Otherwise this obligation shall remain in full force and effect.

It is further expressly agreed and understood by the parties hereto that no changes or alterations in the CONTRACT and no deviations from the plan or mode of procedure herein fixed shall have the effect of releasing the sureties, or any of them, from the obligations of this Bond.

It is further expressly agreed that the PRINCIPAL'S obligations under this Bond include payment of not less than the prevailing hourly rate of wages as established by the Commissioner of Labor and by the Secretary of the U.S. Department of Labor or as determined by a court on appeal.

IN WITNESS WHEREOF, the PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the 12th day of MARCH, 2013, and the SURETY has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its authorized representative(s) on the 12th day of MARCH, 2013.

(Corporate Seal) (where applicable)

ATTEST

James L Tipken
Corporate Secretary (where applicable)

Central Contracting Services, Inc.
PRINCIPAL

Signed: James L Tipken
Authorized Representative

James L. Tipken, President
Name and Title

Address: 17301 S. Sunnylane
Norman, OK 73071

Telephone: 405-895-6250

(Corporate Seal)

ATTEST

Dana K. Blackemore
Corporate Secretary

American Safety Casualty Insurance Company
SURETY

Signed: Tina E A
Authorized Representative

Tina E. Switzer, Attorney-in-Fact
Name and Title

Address: 909 S. Meridian, Ste. 700
Oklahoma City, OK 73108

Telephone: 405-568-3008

CORPORATE ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)§
COUNTY OF Cleveland)

The foregoing instrument was acknowledged before me this 12th day of March,
20 13, by James L. Tipken, President of Central Contracting Services, Inc.,
Name and Title
a _____ corporation, on behalf of the corporation.

WITNESS my hand and seal this 12th day of March 19 2013.

Dana N Switzer
Notary Public

My Commission Expires: 07/12/2015

TARA N. SWITZER NOTARY PUBLIC 07006632 EXP. 7/12/15 STATE OF OKLAHOMA

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)§
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____,

20 _____, by _____ an individual.
Name and Title

WITNESS my hand and seal this ____ day of _____ 19 _____.

_____
Notary Public

My Commission Expires: _____

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)§
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____,

20 _____, by _____ partner (or agent) on behalf of
Name and Title

_____, a partnership.

WITNESS my hand and seal this ____ day of _____ 20 _____.

_____
Notary Public

My Commission Expires: _____

NORMAN UTILITIES AUTHORITY

APPROVED as to form and legality this 18 day of March, 20 13.

_____
AUTHORITY Attorney

Approved by the Trustees of the NORMAN UTILITIES AUTHORITY this _____ day of _____, 20_____.

NORMAN UTILITIES AUTHORITY

ATTEST

By: _____ _____

Title: Chairman Secretary

STATUTORY BOND

Know all men by these presents that Central Contracting Services, Inc., as PRINCIPAL, and American Safety Casualty Insurance Company, a corporation organized under the laws of the State of Oklahoma, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto NORMAN UTILITIES AUTHORITY, a Public Trust of the State of Oklahoma, herein called AUTHORITY, in the sum of three-hundred-seventy-three thousand, eight-hundred-forty & 00/100 Dollars ($ 373,840), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally.

WHEREAS, the conditions of this obligation are such, that the PRINCIPAL, being the lowest and best bidder on the following PROJECT:

APPLECREEK WATERLINE PROJECT
NORMAN, OKLAHOMA

has entered into a written CONTRACT (K-1213-65) with the AUTHORITY, dated _____ for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

NOW, THEREFORE, if the PRINCIPAL, shall properly and promptly complete the work on this PROJECT in accordance with the CONTRACT, and shall well and truly pay all indebtedness incurred for labor and materials and repairs to and parts for equipment furnished in the making of the PROJECT, whether incurred by the PRINCIPAL, his subcontractors, or any material men, then this obligation shall be void. Otherwise this obligation shall remain in full force and effect. If debts are not paid within thirty (30) days after the same becomes due and payable, the person, firm, or corporation entitled thereto may sue and recover on this Bond, subject to the provisions of 61 O.S. 1981 §2, for the amount so due and unpaid.

It is further expressly agreed and understood by the parties hereto that no changes or alterations in said CONTRACT and no deviations from the plan or mode of procedure herein fixed shall have the effect of releasing the SURETIES, or any of them, from the obligation of this Bond.

It is further expressly agreed that the PRINCIPAL'S obligations under this Bond include payment of not less than the prevailing hourly rate of wages as established by the Commissioner of Labor of the State of Oklahoma and by the Secretary of the U.S. Department of Labor or as determined by a court on appeal.

IN WITNESS WHEREOF, the PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the 12th day of March, 20 13, and the SURETY has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its authorized representative on the _____ day of _____, 20_____.

(Corporate Seal) (where applicable)

ATTEST

James L Tipken

Corporate Secretary (where applicable)

Central Contracting Services, Inc.

PRINCIPAL

Signed: James L Tipken

Authorized Representative

James L. Tipken, President

Name and Title

Address: 17301 S. Sunnylane

Norman, OK 73071

Telephone: 405-895-6250

(Corporate Seal)

ATTEST

Dana K Blackmon

Corporate Secretary

American Safety Casualty Insurance Company

SURETY

Signed: Tina E Switzer

Authorized Representative

Tina E. Switzer, Attorney-in-Fact

Name and Title

Address: 909 S. Meridian, Ste. 700

Oklahoma City, OK 73108

Telephone: 405-568-3008

CORPORATE ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)§
COUNTY OF Cleveland)

The foregoing instrument was acknowledged before me this 12th day of March,
20 13, by James. L. Tipken, President of Central Contracting Services, Inc.,
Name and Title
a _____ corporation, on behalf of the corporation.

WITNESS my hand and seal this 12th day of March 20 13.

Dana N Switzer
Notary Public

My Commission Expires: 07/12/2015

DANA N. SWITZER NOTARY PUBLIC STATE OF OKLAHOMA 07006632 EXP. 7/12/15

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)§
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of
_____,

20 _____, by _____ an individual.
Name and Title

WITNESS my hand and seal this ____ day of _____ 20 _____.

_____
Notary Public

My Commission Expires: _____

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)§
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____,

20 _____, by _____ partner (or agent) on behalf of
Name and Title

_____, a partnership.

WITNESS my hand and seal this ____ day of _____ 20 _____.

_____
Notary Public

My Commission Expires: _____

NORMAN UTILITIES AUTHORITY

APPROVED as to form and legality this 16 day of March, 20 13.

_____
AUTHORITY Attorney

Approved by the Trustees of the NORMAN UTILITIES AUTHORITY this _____ day of

_____, 20 _____.

NORMAN UTILITIES AUTHORITY

ATTEST

By: _____ _____

Title: Chairman Secretary

MAINTENANCE BOND

Know all men by these presents that Central Contracting Services, Inc., as PRINCIPAL, and American Safety Casualty Insurance Company, a corporation organized under the laws of the State of Oklahoma, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto NORMAN UTILITIES AUTHORITY, a Public Trust of the State of Oklahoma, herein called AUTHORITY, in the sum of three-hundred-seventy-three thousand, eight-hundred-forty & 00/100 Dollars ($ 373,840), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally.

WHEREAS, the conditions of this obligation are such, that the PRINCIPAL, being the lowest and best bidder on the following PROJECT:

APPLECREEK WATERLINE PROJECT
NORMAN, OKLAHOMA

has entered into a written CONTRACT (K-1213-65) with the AUTHORITY, dated _____ for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

WHEREAS, under the ordinances of the AUTHORITY, the PRINCIPAL is required to furnish to the AUTHORITY a maintenance bond covering said construction of this PROJECT, the bond to include the terms and provisions hereinafter set forth, as a condition precedent to final acceptance of the PROJECT.

NOW THEREFORE, if the PRINCIPAL shall keep and maintain, subject to normal wear and tear, the construction, except for defects not occasioned by improper workmanship, materials, or failure to protect new work until it is accepted, and if the PRINCIPAL shall promptly repair, without notice from the AUTHORITY or expense to the AUTHORITY any and all defects arising from improper workmanship, materials, or failure to protect new work until it is accepted; all for a period of two (2) years from the date of the written final acceptance by the AUTHORITY, then this obligation shall be null and void. Otherwise, this obligation shall remain in full force and effect at all times.

Provided further, however, that upon neglect, failure or refusal of the PRINCIPAL to maintain or make any needed repairs upon the construction on the PROJECT, as set out in the preceding paragraph, within ten (10) days after the mailing of notice to the PRINCIPAL by letter deposited in the United States Post Office at Norman, Oklahoma, addressed to the PRINCIPAL at the address set forth below, then the PRINCIPAL and SURETY shall jointly and severally be liable to the AUTHORITY for the cost and expense for making such repair, or otherwise maintaining the said construction.

If is further expressly agreed and understood by the parties hereto that no changes or alterations in said CONTRACT and no deviations from the plan or mode of procedure herein fixed shall have the effect of releasing the sureties, or any of them, from the obligations of this Bond.

IN WITNESS WHEREOF, the said PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the 12th day of MARCH, 2013, and the SURETY has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its authorized representative(s) on the 12th day of MARCH, 20___.

(Corporate Seal) (where applicable)

Central Contracting Services, Inc.
PRINCIPAL

ATTEST

James L Tipken
Corporate Secretary (where applicable)

Signed: James L Tipken
Authorized Representative

James L. Tipken, President
Name and Title

Address: 17301 S. Sunnylane
Norman, OK 73071

Telephone: 405-895-6250

(Corporate Seal)

American Safety Casualty Insurance Company
SURETY

ATTEST

Diana K Blackemeier
Corporate Secretary

Signed: Tina E A
Authorized Representative

Tina E. Switzer, Attorney-in-Fact
Name and Title

Address: 909 S. Meridian, Ste. 700
Oklahoma City, OK 73108

Telephone: 405-568-3008

CORPORATE ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)§
COUNTY OF Cleveland)

The foregoing instrument was acknowledged before me this 12th day of March,
20 13, by James L. Tipken, President of Central Contracting Services, Inc.,
Name and Title
a _____ corporation, on behalf of the corporation.

WITNESS my hand and seal this 12th day of March 20 13.

Notary Public

My Commission Expires: 07/12/2015

TARA N. SWITZER NOTARY PUBLIC 07006632 EXP. 7/12/15 STATE OF OKLAHOMA

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)§
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____,

20 _____, by _____ an individual.
Name and Title

WITNESS my hand and seal this ____ day of _____ 20 _____.

_____
Notary Public

My Commission Expires: _____

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)§
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____,

20 _____, by _____ partner (or agent) on behalf of
Name and Title

_____, a partnership.

WITNESS my hand and seal this ____ day of _____20 _____.

_____
Notary Public

My Commission Expires: _____

NORMAN UTILITIES AUTHORITY

APPROVED as to form and legality this 18 day of March, 2013.

_____
AUTHORITY Attorney

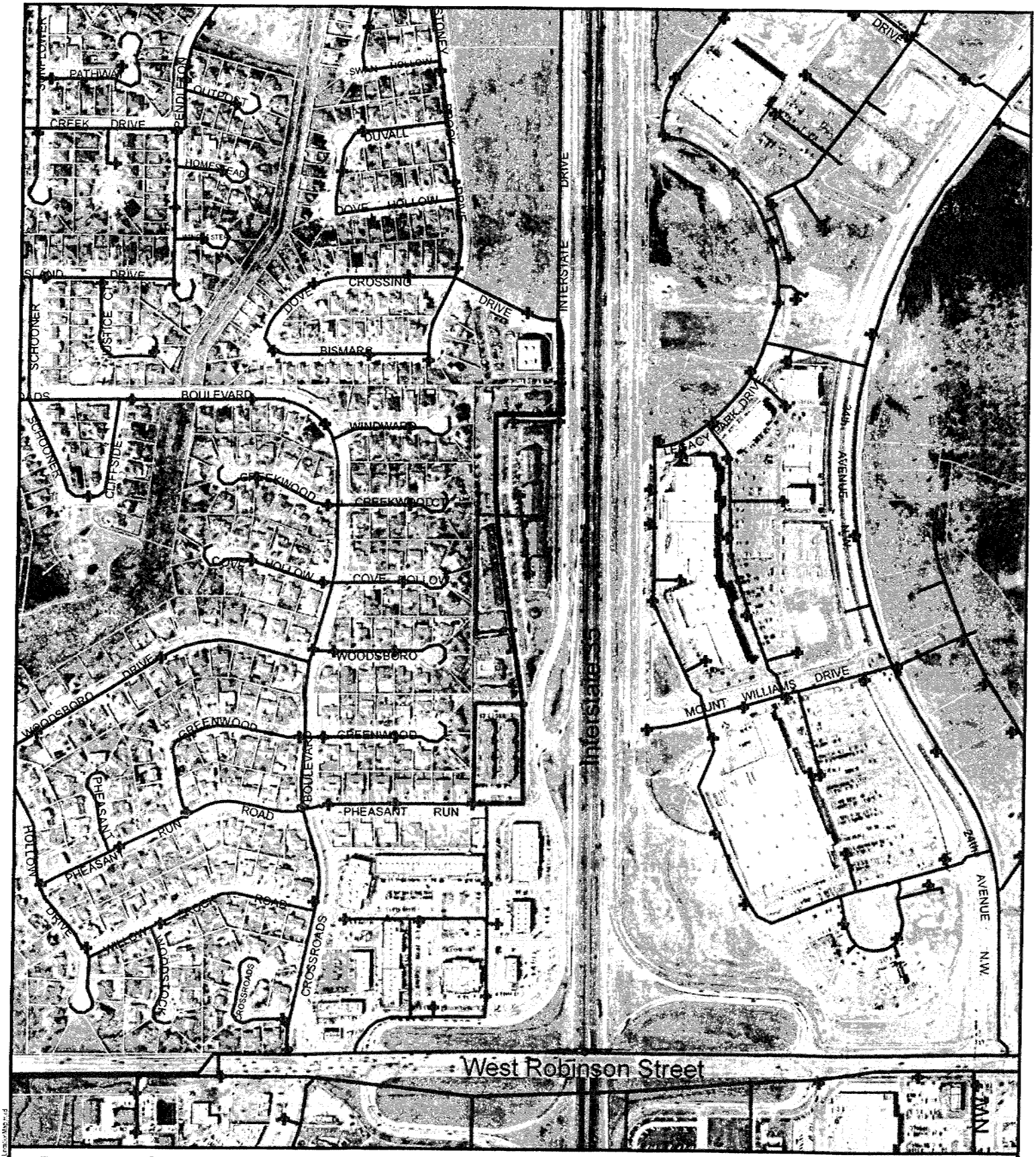
Approved by the Trustees of the NORMAN UTILITIES AUTHORITY this _____ day of
_____, 20____.

NORMAN UTILITIES AUTHORITY

ATTEST

By: _____ _____

Title: Chairman Secretary



Apple Creek Waterline Project

February 19, 2013

Map produced by the City of Norman
GIS Services Division

The City of Norman assumes no responsibility for errors or omissions in the information presented.

N
W E
S

0 250 500 Feet

Apple Creek Waterline
Water Hydrants
Water Mains

PURCHASE REQUISITION NBR: 0000214408

STATUS: INSUFFICIENT FUNDS

REQUISITION BY: WEBB G
REASON: APPLE CREEK CONSTRUCTION PROJECT
DATE: 3/13/13

SHIP TO LOCATION: P W - UTILITIES DIRECTOR
SUGGESTED VENDOR: 2892 CENTRAL CONTRACTING SERVICES
DELIVER BY DATE: 4/30/13

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	APPLE CREEK WATER LINE PROJECT COMMODITY: CONSTRUCTION SERVICES, HE SUBCOMMOD: CONSTRUCTION, WATER SYSTE	373840.00	DOL	1.0000	373840.00	

REQUISITION TOTAL: 373840.00

A C C O U N T I N F O R M A T I O N

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	03193604626101	Capital Projects Construction	WA0041 Hot Soils - Apple Creek	100.00	373840.00
					373840.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

CONTRACT K-1213-65 CONTINGENT ON NUA APPROVAL 3/26/13.

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: K-1213-168

File ID:	K-1213-168	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 14	**In Control:**	City Council
Department:	Parks and Recreation Department	**Cost:**	$70,000.00	**File Created:**	03/12/2013
File Name:	McGeorge Park Playground			**Final Action:**	

Title: CONSIDERATION OF REQUEST FOR PROPOSAL NO. RFP-1213-64, CONTRACT NO. K-1213-168 WITH REX PLAYGROUND EQUIPMENT IN THE AMOUNT OF $70,000; PERFORMANCE BOND NO. B-1213-64; STATUTORY BOND NO. B-1213-65, MAINTENANCE BOND NO. MB-1213-58, AND RESOLUTION NO. R-1213-101 FOR THE MCGEORGE PARK PLAYGROUND EQUIPMENT PROJECT.

Notes: ACTION NEEDED: Motion to accept or reject Request for Proposal No. RFP-1213-64 from Rex Playground Equipment for the McGeorge Park Playground Equipment Project; and, if accepted, approve Contract No. K-1213-168 in the amount of $70,000 and the performance, statutory, and maintenance bonds; authorize execution of the contract and bonds; direct the filing of the bonds; and adopt Resolution No. R-1213-101.

ACTION TAKEN: _____

Agenda Date: 03/26/2013

Agenda Number: 14

Attachments: Text File McGeorge Park, RFP Summary, K-1213-168, Perf B-1213-64, Stat B-1213-65, MB-1213-58, R-1213-101, PR Rex Playground

Project Manager: Mitch Miles, Park Planner

Entered by: mitch.miles@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File K-1213-168

Body

BACKGROUND: Funding for the McGeorge Park Playground Replacement Project (GC0050) was approved by the City Council as part of the CDBG Action Plans for FYE 09, 10, 11, and 12. This project includes the removal of older playground equipment and replacing it with a new modular unit which includes climbing components and slides, swings (belt and tot), see-saw, climbing dome, and synthetic grass safety surfacing. Also, the play features will be placed on higher ground to avoid the regular flooding that occurs near the drainage channel in that park.

DESCRIPTION: On 11 and 18 January, 2013, RFP No. 1213-64 for the McGeorge Park Playground

Replacement Project was advertised in the *Norman Transcript*, *Southwest Construction News*, *Bid News* and *Dodge Report*. Requests for proposals were distributed to nine playground equipment vendors, six of whom responded with complete proposals.

Parks and Recreation staff carefully evaluated the playground proposals based on their providing the optimum number and diversity of play events, play area and age appropriateness for the neighborhood. The equipment being recommended should provide the best "play value" within the available funding.

RECOMMENDATION NO.1: It is recommended that RFP 1213-64 be awarded to Rex Playground Equipment in the amount of $70,000. Funding is available as follows:

Capital Projects/Parks and Recreation (021-4059-463.61-03) $25,000
Capital Projects/Parks and Recreation (021-4062-463.61-03) $20,000
Capital Projects/Parks and Recreation (021-4067-463.61-03) $20,000
Capital Projects/Parks and Recreation (021-4071-463.61-03) $5,000
Estimated Budget - $70,000

RECOMMENDATION NO.2: It is further recommended upon approval of RFP No.1213-64 that the following contracts and bonds be approved:

MCGEORGE PARK PLAYGROUND REPLACEMENT PROJECT

Contract No. K-1213-168
Performance Bond No. B-1213-64
Statutory Bond No. B-1213-65
Maintenance Bond No. MB-1213-58

RECOMMENDATION NO.3: It is further recommended that upon approval of RFP No. 1213-64 that Rex Playground Equipment be authorized and appointed as project agent for the McGeorge Park Playground Replacement Project by Resolution No. K-1213-101.

SUMMARY OF RFP NUMBER 1213-64

MCGEORGE PARK PLAYGROUND REPLACEMENT PROJECT

Rex Playground Equipment
John Walters
PO Box 75141
Oklahoma City OK 73147

Option #	**1**	**$70,000**
	2	$68,456.50

Cunningham Associates, Inc. — $69,999.93
Nick Whisenhunt
12009 Moon Beam Dr.
OKC, OK 73126

Children's Specialties, Inc — $70,000
Dave Kindall
PO Box 2855
Broken Arrow, OK 74013

Child's Play, Inc — $70,000
Casey Weiss
10661 Shady Trail
Dallas, TX 75220

ACS Playground Adventures — $64,575
Clint Pitzer
8501 Mantle Ave.
OKC, OK 73132

Kids Place Designs LLc — $151,865
Guy Woodland
808 Stonehenge Dr.
Edmond, OK 73034

***RFP proposal which met the specified budget, followed the specifications of the RFP, and gave maximum play value**

Contract # K-1213-168

CONTRACT

THIS CONTRACT made and entered into this __ day of _____ ___, 2013, by and between

REX PLAYGROUND as Party of the First Part, hereinafter designated as the CONTRACTOR, and the City of Norman, a municipal corporation, hereinafter designated as the City, Party of the Second Part.

WITNESSETH

WHEREAS, the City has caused to be prepared in accordance with law, specifications, and other bidding documents for the work hereinafter described and has approved and adopted all said bidding documents, and has caused Solicitation for Bids to be given and advertised as required by law, and has received sealed proposals for the furnishing of all labor and materials for the following project:

MCGEORGE PARK PLAYGROUND EQUIPMENT

as outlined and set out in the bidding documents and in accordance with the terms and provisions of said contract; and

WHEREAS, the Contractor in response to said Solicitation for Bids, has submitted to the City of Norman on the manner and at the time specified, a sealed proposal in accordance with the terms of this Contract; and

WHEREAS, the City, in the manner provided by law, has publicly opened, examined, and canvassed the proposals submitted and has determined and declared the above-named Contractor to be the lowest and best bidder on the above-prepared project, and has duly awarded this contract to said Contractor, for the sum named in the proposal, to wit: SEVENTY THOUSAND Dollars ($ 70,000);

NOW, THEREFORE, for and in consideration of the mutual agreements and covenants herein contained, the parties to this Contract have agreed, and hereby agree, as follows:

1. The Contractor shall, in a good and first-class, workmanlike manner at his own cost and expense, furnish all labor, materials, tools, and equipment required to perform and complete said work in strict accordance with this Contract and the following Contract Documents:

Specifications, Provisions and Bonds thereto, all of which documents are on file in the office of the City Clerk of the City of Norman, and are made a part of this Contract as fully as if the same were set out at length, with the following additions and or exceptions: (If none, so state.)

2. The City shall make payments to the Contractor in the following manner: On or about the first day of each month, the project engineer, or other appropriate person, will make accurate estimates of the value, based on contract prices, or work done, and materials incorporated in the

work and of materials suitably stored at the site thereof during the preceding calendar month. The Contractor shall furnish to the project engineer, or the appropriate person, such detailed information as he may request to aid him as a guide in the preparation of the monthly estimates.

Each monthly estimate for payment must contain or have attached an affidavit as required by Senate Bills 469 of the 1974 Legislature.

On completion of the work, but prior to the acceptance thereof by the City, it shall be the duty of the project engineer, or other appropriate person, to determine that said work has been completely and fully performed in accordance with said Contract Documents; and upon making such determinations said official shall make his final certificate to the City.

The Contractor shall furnish proof that all claims and obligations incurred by him in connection with the performance of said work have been fully paid and settled; said information shall be in the form of an affidavit, which shall bear the approval of the surety on the contract bonds for payment of the final estimates to the Contractor; thereupon, the final estimate (including retainages) will be approved and paid.

3. It is further agreed that the Contractor will commence said work within 10 days following receipt of a NOTICE-TO-PROCEED, and prosecute the same vigorously and continuously, and complete the same in 90 calendar days.

The Notice to Bidders published in the Norman Transcript January 11 and 18, 2013, the instructions to bidders, the special and general provisions of specifications and the Contractor's bid or proposal, each of said instruments on file in the office of the City Clerk of the City of Norman, are hereby referred to and by reference thereto are made part of this contract as if fully written in detail herein or attached thereto.

To that end, no provision of this contract or of any such aforementioned document shall be interpreted or given legal effect to create an obligation on the part of the City to third persons, including, by way of illustration but not exclusion, sureties upon performance bonds, payment bonds or other bonds, assignees of the Contractor, subcontractors, and persons performing labor, furnishing material or in any other way contributing to or assisting in the performance of the obligation of the Contractor; nor shall any such provisions be interpreted or given legal effect to afford a defense against any obligation owed or assumed by such third person to the City or in any way to restrict the freedom of the City to exercise full discretion in its dealing with the Contractor.

4. The sworn, statement below must be signed and notarized before this Contract will become effective.

Contract # K-1213-168

IN WITNESS WHEREOF, the said parties of the First and Second Part have hereunto set their hands and seals respectively the 20 day of February, 2013.

CORPORATE SEAL

Rex Playground Equipment
Company Name

ATTEST: _____
Corporate Secretary

BY _____
President

STATE OF Oklahoma)
COUNTY OF Oklahoma)

John Walters, of lawful age, being first duly sworn, on oath says that (s)he is the agent authorized by Contractor to submit the above Contract to the City. Affiant further states that Contractor has not paid, given or donated or agreed to pay, give, or donate to any officer or employee of the City any money or other thing of value, either directly or indirectly, in the procuring of the contract.

_____
President

Subscribed and sworn to before me this 20th day of February, 2013.

_____
Notary Public

AMBER M. FITZGERALD NOTARY PUBLIC # 08005720 EXP. 06/03/16 STATE OF OKLAHOMA

My Commission Expires: 06/03/16
Commission Number: 08005720

CITY OF NORMAN

Approved as to form and legality this 16 day of March, 2013.

_____
City Attorney

Approved by the City Council this _____ day of _____, 20___.

_____
Mayor

ATTEST:

_____
City Clerk

Ohio Casualty
Bond # 601052544

Bond # B-1213-64

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, Rex Playground Equipment, as Principal, and Ohio Casualty Insurance Company, a corporation organized under the laws of the State of Ohio, and authorized to transact business in the State of Oklahoma, as Surety, are held and firmly bound unto THE CITY OF NORMAN, a Municipal Corporation and city of the first class, of the State of Oklahoma, in the full and just sum of Seventy Thousand DOLLARS, ($ 70,000.00), for the payment of which, well and truly to be made, we, and each of us, bind ourselves, our heirs, executors and assigns, themselves. and its successors and assigns jointly and severally, firmly by these presents. Dated this 6th day of March, 2013.

The conditions of this obligation are such, that whereas, said Principal is the lowest and best bidder for the making of the following city work and improvements, viz.:

MCGEORGE PARK PLAYGROUND EQUIPMENT

and has entered into a certain written contract with THE CITY OF NORMAN dated 2013, for the erection and construction of said work and improvement, which said contract is hereby made a part and parcel of this bond as if literally written herein.

NOW, THEREFORE, if said Principal shall, in all particulars, well, truly and faithfully perform and abide by said Contract and each and every covenant, condition and part thereof and shall fulfill all obligations resting upon said Principal by the terms of said contract and said specifications; and if said Principal shall promptly pay, or cause to be paid, all labor, materials and/or repairs and all bills for labor performed on said work, whether by subcontract or otherwise; and if said Principal shall protect and save harmless said City of Norman from all loss, damage and expense to life or property suffered or sustained by any person, firm, or corporation caused by said Principal or his or its agents, servants, or employees in the construction of said work, or by or in consequence of any negligence, carelessness or misconduct in guarding and protecting the same, or from any act or omission of said Principal or his or its agents servants, or employees, and if said Principal shall protect and save the City of Norman harmless from all suits and claims of infringement or alleged infringement or patent rights or processes, then this obligation shall be null and void, otherwise to be and remain in full force and effect.

It is further expressly agreed and understood by the parties thereto that no changes or alterations in said Contract and no deviations from the plan or mode of procedure herein fixed shall have the effect of releasing the sureties, or any of them, from the obligations of this Bond.

IN WITNESS WHEREOF, the said Principal has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its duly authorized officers, and the said surety has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its attorney-in-fact, duly authorized to do so, the day and year first above written.

Ohio Casualty
Bond # 601052544

Bond #B-1213-64

ATTEST:

Rex Playground Equipment
Company Name

BY _____
Principal

_____
Corporate Secretary

ATTEST: Barbara Chappell
Corporate Secretary (Surety)
Agent, Meixell-Diehl Agency

Ohio Casualty Insurance Company
Surety Name

BY Tammy L Craven
Surety
Tammy L. Craven, Attorney-in-Fact

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 8th day of March, 2013 personally appeared John Wolters to me know to be the identical person who executes the foregoing, and acknowledge to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

Amber M. Fitzgerald
Notary Public

AMBER M. FITZGERALD NOTARY PUBLIC # 08005720 EXP. 06/03/16 STATE OF OKLAHOMA

My Commission Expires: 06/03/16
Commission Number: 08005720

Approved as to form and legality this 18 day of March, 2013

_____
City Attorney

Approved by the Council of the City of Norman, this ____ day of _____, 20__.

_____
Mayor

ATTEST:

_____
City Clerk

Ohio Casualty
Bond # 601052544

Bond # B-1213-65

STATUTORY BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, Rex Playground Equipment, as Principal, and Ohio Casualty Insurance Company, a corporation organized under the laws of the State of Ohio, and authorized to transact business in the State of Oklahoma, as Surety, are held and firmly bound unto the State of Oklahoma in the penal sum of Seventy Thousand DOLLARS ($70,000.00), for the payment of which well and truly to be made, we, and each of us, bind ourselves, our heirs, executors and assigns, themselves, and its successors and assigns, jointly and severally, firmly by these presents.

Dated this 6th day of March, 2013.

The conditions of this obligation are such, that whereas, the above Bonded Principal Rex Playground Equipment is the lowest and best bidder for the making of the following City work and improvement, viz.:

MCGEORGE PARK PLAYGROUND EQUIPMENT

and has entered into a certain written contract with THE CITY OF NORMAN, dated , 2013, for the erection and construction of said work and improvement, in exact accordance with the bid of said Principal, and according to certain specifications heretofore made, adopted and placed on file in the office of the City Clerk of the City of Norman.

NOW, THEREFORE, if the said Rex Playground Equipment Principal, shall well and truly pay all indebtedness incurred for labor and material and repairs to and parts for equipment furnished in the making of said public improvement incurred by said Principal or subcontractors, then this obligation shall be void. Otherwise, this obligation shall remain in full force and effect. If debts are not paid within thirty (30) days after same becomes due and payable, the person, firm, or corporation entitled thereto may sue and recover on this bond, the amount so due and unpaid.

It is further expressly agreed and understood by the parties hereto that no changes or alterations in said Contract and no deviations from the plan or mode of procedure herein fixed shall have the effect of releasing the sureties, or any of them, from the obligations of this Bond.

IN WITNESS WHEREOF, the said Principal has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its duly authorized officers, and the said Surety has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its attorney-in-fact, duly authorized to do so, the day and year first above written.

Ohio Casualty
Bond # 601052544

Bond #B-1213-65

ATTEST:

Rex Playground Equipment
Company Name

Corporate Secretary

BY John Walters
Principal

ATTEST:

Ohio Casualty Insurance Company
Surety Name

Gabriela Chappell
Corporate Secretary (Surety)
Agent, Meixell-Diehl Agency

BY Tammy L Craven
Surety
Tammy L. Craven, Attorney-in-Fact

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State on this 8th day of March, 20 13 personally appeared John Walters to me known to be the identical person who executed the foregoing, and acknowledged to me that he executed the same as free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

Amber M. Fitzgerald
Notary Public

AMBER M. FITZGERALD NOTARY PUBLIC # 08005720 EXP. 06/03/16 STATE OF OKLAHOMA

My Commission Expires: 06/03/16
Commission Number: 08005720

Approved as to form and legality this 18 day of March, 2013.

City Attorney

Approved by the Council of the City of Norman, this _____, day of _____20___.

ATTEST:

Mayor

City Clerk

Ohio Casualty
Bond # 601052544

MB-1213-58

MAINTENANCE BOND

WHEREAS, THE UNDERSIGNED Rex Playground Equipment, hereinafter referred to as the Principal, has entered into a certain contract dated _____,20 13, for the construction of:

MCGEORGE PARK PLAYGROUND EQUIPMENT

WHEREAS, under the ordinances of said City of Norman the said Principal is required to furnish to the City a maintenance bond covering said construction, said bond to include the terms and provisions hereinafter set forth, as a condition precedent to final acceptance of said construction.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That the said Principal and Ohio Casualty Insurance Company, as a corporation organized under the laws of the State of Ohio, and authorized to transact business in the State of Oklahoma, as surety, are jointly and severally, firmly held and bound unto said City in the penal sum of Dollars ($70,000.00), in lawful money of the United States of America, same being 100% of the cost of the construction herein referred to for the payment of which, well and truly to be made, we hereby bind ourselves, our heirs, executors, administrators, successors and assigns, firmly by these presents.

The condition of this bond is such that if the said Principal shall keep and maintain, subject to normal wear and tear, the said construction, except for defects not occasioned by improper workmanship, materials, or failure to protect new work until it is accepted, for a period of one year from the date of the written final acceptance thereof by the City, and shall promptly repair, without notice from the City, any and all defects or failures occurring or arising from improper workmanship, materials, or failure to protect new work until it is accepted within a period of one year without notice from said City, and without expense to said City, thence this obligation shall be null and void and of no force and effect; otherwise to be and remain in full force and effect at all times.

Provided further, however, that upon neglect, failure or refusal of the Principal to make any needed repairs upon said construction, or to maintain any part of the same, as set out in the preceding paragraph, within ten (10) days after the mailing of notice to the Principal by letter deposited in the United States Post Office at Norman, Oklahoma, addressed to the Principal at the address set forth below, then the Principal and surety shall jointly and severally be liable to the City, for the cost and expense for making such repairs, or otherwise maintaining the said construction.

It is further expressly agreed and understood by the parties hereto that no changes or alterations in said Contract and no deviations from the plan or mode of procedure herein fixed shall have the effect of releasing the sureties, or any of them, from the obligations of this Bond.

IN WITNESS WHEREOF, the said Principal has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its duly authorized officers, and the said Surety has

Ohio Casualty
Bond # 601052544

MB-1213-58

caused these presents to be executed in its name its corporate seal to be hereunto affixed by its attorney-in-fact, duly authorized to do so, the day and year first above written.

Executed and delivered this 6th day of March ,20 13 .

ATTEST:_____
Corporate Secretary

Rex Playgrounds Equipment
Company Name

Mailing Address of Principal:

BY_____
Principal

P.O. Box 7514

Oklahoma City OK 73147

Ohio Casualty Insurance Company
Surety Name

BY: Tammy L Craven
Tammy L. Craven Attorney-in-Fact

STATE OF OKLAHOMA, COUNTY OF CLEVELAND,SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 8th day of March , 20 13 personally appeared John Walters to me known to be the identical person who executed the foregoing, and acknowledge to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

Amber M. Fitzgerald
Notary Public

AMBER M. FITZGERALD NOTARY PUBLIC # 08005720 EXP. 06/03/16 STATE OF OKLAHOMA

My Commission Expires: 06/03/16
Commission Number: 08005720

Approved as to form and legality this ___ day of _____, 20___.

_____
City Attorney

Approved by the Council of the City of Norman, this ___ day of _____, 20___.

_____
Mayor

ATTEST:_____
City Clerk

Resolution

R-1213-101

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AND APPOINTING REX PLAYGROUND EQUIPMENT AS PROJECT AGENT FOR THE MCGEORGE PARK PLAYGROUND EQUIPMENT PROJECT.

§ 1. WHEREAS, the City of Norman, Oklahoma, does hereby acknowledge that the tax-exempt status of this political subdivision is a significant factor in determining the agreed contract price bid by Rex Playground Equipment for the McGeorge Park Equipment Project; and

§ 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on Rex Playground Equipment its special State and Federal sales tax exemptions and in order to achieve such end, finds it necessary to appoint as its direct purchasing agent, Rex Playground Equipment, to purchase materials which are in fact used for the McGeorge Park Equipment Project and

§ 3. WHEREAS, this limited agent status is conferred with the express understanding that Rex Playground Equipment shall appoint employees and subcontractors as subagents who shall be authorized to make purchases on their behalf.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 4. That the City of Norman, Oklahoma, on the 26th day of March, 2013, did appoint Rex Playground Equipment who is involved with the McGeorge Park Equipment Project, an agent of the City of Norman, Oklahoma, solely for the purpose of purchasing, on a tax-exempt basis, materials and tangible personal property to be used exclusively for the McGeorge Park Equipment Project.

PASSED AND ADOPTED THIS 26th day of March, 2013.

_____
Mayor

ATTEST:

_____
City Clerk

PURCHASE REQUISITION NBR: 0000214325

STATUS: DIVISION APPROVAL
REQUISITION BY: JMCCART REASON: MCGEORGE PARK DATE: 3/11/13

SHIP TO LOCATION: COMMUNITY DEVELOPMENT SUGGESTED VENDOR: 1750 REX PLAYGROUND EQUIPMENT INC DELIVER BY DATE: 3/11/13

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	MCGEORGE PARK COMMODITY: GRANTS SUBCOMMOD: CDBG	25000.00	DOL	1.0000	25000.00	
2	MCGEORGE PARK COMMODITY: GRANTS SUBCOMMOD: CDBG	20000.00	DOL	1.0000	20000.00	
3	MCGEORGE PARK COMMODITY: GRANTS SUBCOMMOD: CDBG	20000.00	DOL	1.0000	20000.00	
4	MCGEORGE PARK COMMODITY: GRANTS SUBCOMMOD: CDBG	5000.00	DOL	1.0000	5000.00	

REQUISITION TOTAL: 70000.00

REQUISITION QUOTES

		VENDOR NAME
SELECTED VENDOR:	70000.0000	1750 REX PLAYGROUND EQUIPMENT INC
	68456.5000	1750 REX PLAYGROUND EQUIPMENT INC
	69999.6300	CUNNINGHAM RECREATION

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	02140594636103	Capital Projects Parks & Recreation	GC0050 McGeorge Park Imprv	100.00	25000.00
2	02140624636103	Capital Projects Parks & Recreation	GC0050 McGeorge Park Imprv	100.00	20000.00
3	02140674636103	Capital Projects Parks & Recreation	GC0050 McGeorge Park Imprv	100.00	20000.00
4	02140714636103	Capital Projects Parks & Recreation	GC0050 McGeorge Park Imprv	100.00	5000.00
					70000.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

City of Norman, OK

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: E-1213-23

File ID:	E-1213-23	**Type:**	Easement	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 15	**In Control:**	City Council
Department:	City Manager Department	**Cost:**		**File Created:**	03/06/2013
File Name:	Easement for 13818 Norris Circle			**Final Action:**	

Title: EASEMENT NO. E-1213-23: A PERMANENT EASEMENT TO CREATE A NO-BUILD ZONE ON PROPERTY LOCATED AT LOT 16, BLOCK 2, PRIDE ADDITION NO. 5 (13818 NORRIS CIRCLE) IN ORDER TO OBTAIN A BUILDING PERMIT FOR THE ADJACENT PROPERTY LOCATED AT 13801 BRIDGE CREEK DRIVE.

Notes: ACTION NEEDED: Motion to accept or reject Easement No. E-1213-23; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Agenda Date: 03/26/2013

Agenda Number: 15

Attachments: Text File Norris Circle, French Grant of Easement

Project Manager: Terry Floyd, Development Manager

Entered by: jayme.rowe@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File E-1213-23

Body

BACKGROUND: Daniel French owns two adjacent five acre parcels in the City of Norman located at 13801 Bridge Creek Drive and 13818 Norris Circle. A map of the subject parcels is attached to this memo. His house is located at 13801 Bridge Creek Drive, and 13818 Norris Circle is an undeveloped parcel. During the August 2012 wildfires, Mr. French's outbuildings were destroyed. He has applied for a building permit to build a detached garage as a replacement for the outbuildings.

The two parcels are zoned A-2. 13818 Norris Circle was legally subdivided by final plat in November 1972 as a five-acre tract within the Pride No. 5 Addition. 13801 Bridge Creek Drive was legally subdivided in 1979 into a ten-acre tract within the H & L Addition #9. Prior to Mr. French's purchase of the parcel in 2000, this ten-acre tract was further subdivided into the five-acre parcel owned by Mr. French and an adjacent five-acre parcel under different ownership.

Chapter 19, Section 19-602(A)(1), of the City of Norman Code of Ordinances states: "In the A-1, A-2 and RE zones, building permits may be obtained on all tracts of ten (10) acres or more which abut on a minimum

fifty-foot private roadway easement, granted to abutting property owners, which connects to a City street without the requirement to plat if the land and roadway easement were filed of record prior to February 7, 1984."

Prior to June 19, 1973, a developer could subdivide a parcel in rural Norman by platting it into five acre lots fronting a private road with specific conditions including a Declaration of Covenants. This is what occurred with the Pride Number 5 Addition. At that time, a developer could also subdivide a parcel into ten acre lots on private roads without the requirement of platting. This is what occurred with the H & L Number 9 Addition. Both additions were therefore legally subdivided; however, the split of the ten acre parcel at 13801 Bridge Creek Drive into two five acre tracts by a previous owner was not done in compliance with Chapter 19 regulations.

In addition, Chapter 19, Section 19-504(B) prohibits the issuance of a building permit "for any structure on any tract of land which has not been, when required, subdivided or platted in accordance with this Code."

DISCUSSION: Mr. French has applied for a building permit to construct his new garage. He plans to locate the garage on the 5-acre parcel where his house is located. Because this parcel was subdivided originally as part of a ten acre tract, and a ten acre tract was the minimum size allowed under Chapter 19 of the Code of Ordinances at the time of subdivision, the Planning Department is unable to issue a building permit in accordance with Chapter 19, Section 19-504(B) of the Code of Ordinances.

Mr. French has made attempts to contact the owner of the other half of the divided ten acre tract in order to purchase those five acres. He has not been able to make contact with the owner. In addition, Mr. French does not want to build the new garage at 13818 Norris Circle, the legal five acre tract, as it is not convenient to his purposes.

City staff, working with Mr. French, has developed the attached easement. Mr. French owns two parcels of adjacent property that total ten acres. If taken together, the two parcels create an area of legal size for the issuance of building permit; however, because the area is actually comprised of two separate tracts, Mr. French could build a house on the 13818 Norris Circle tract. For that reason, in order to ensure that the two separate tracts function as a single tract with a single house and outbuildings as allowed by the parcels' zoning and Chapter 19 regulations, the easement creates a "no-build" zone on the undeveloped five-acre parcel at 13818 Norris Circle. The easement is granted in favor of the City of Norman and the easement runs with the land. To remove the easement, Mr. French, or his heirs or subsequent owners, would need written permission from the City of Norman. Accepting the easement on the part of the City of Norman does not obligate the City of Norman to any maintenance or responsibility for the parcel, rather, it only ensures that the two parcels function as a single ten-acre tract to meet the permitting requirements of Chapter 19 to allow Mr. French to construct his garage.

RECOMMENDATION: Acceptance of an easement of this type is not a common practice by the City of Norman. However, City Staff working with Mr. French, developed this compromise to accommodate City of Norman regulations requiring ten-acre tracts and Mr. French's need to rebuild his fire-destroyed outbuildings. If, subsequent to the acceptance of this easement, Mr. French is able to purchase the other half of the ten-acre tract at 13801 Bridge Creek Drive, the City of Norman could release the easement. If the City Council accepts this easement, Staff will move forward with issuing the necessary permits so Mr. French can begin construction of his garage. Staff recommends acceptance of the subject easement.

GRANT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS Daniel French is the Owner of certain real property more particularly described in the attached Exhibit A; and

WHEREAS Daniel French desires to declare of public record his intention to create a perpetual "No-Build" Easement where no additional single family house may be constructed over the property described in attached Exhibit B; therefore

THAT, Daniel French in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, does hereby grant, bargain, sell, and convey unto the City of Norman, a municipal corporation, a no-build easement over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

Block 2, Lot 16 of the Pride Addition #5

This Agreement is intended to and does attach and run with the land affected herein. The Agreement is binding on Daniel French and all persons claiming under it. It is the intent of Daniel French to create a continuing obligation and right on the part of himself and subsequent owners of the subject land.

No additional single family home shall be erected, constructed or placed upon any portion of the "No-Build" Easement.

Daniel French may not amend, withdraw from or dissolve this Agreement without the written approval of the City of Norman.

To have and to hold the same unto the said City, its successors, and assigns forever.

SIGNED and delivered this 1 day of MARCH, 2013.

BY: _____
Daniel French

REPRESENTATIVE ACKNOWLEDGMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 1st day of March, 2013, Daniel French personally appeared to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

Jayme Rowe #00013014
Notary Public

NOTARY PUBLIC IN AND FOR STATE OF OKLAHOMA
OFFICIAL SEAL
Jayme Rowe
Cleveland County
Commission Expires Sep. 3, 2016

My Commission Expires: 9-3-16

Approved as to form and legality this 8th day of March, 2013.

City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 2013.

Mayor

ATTEST:

City Clerk

SEAL:

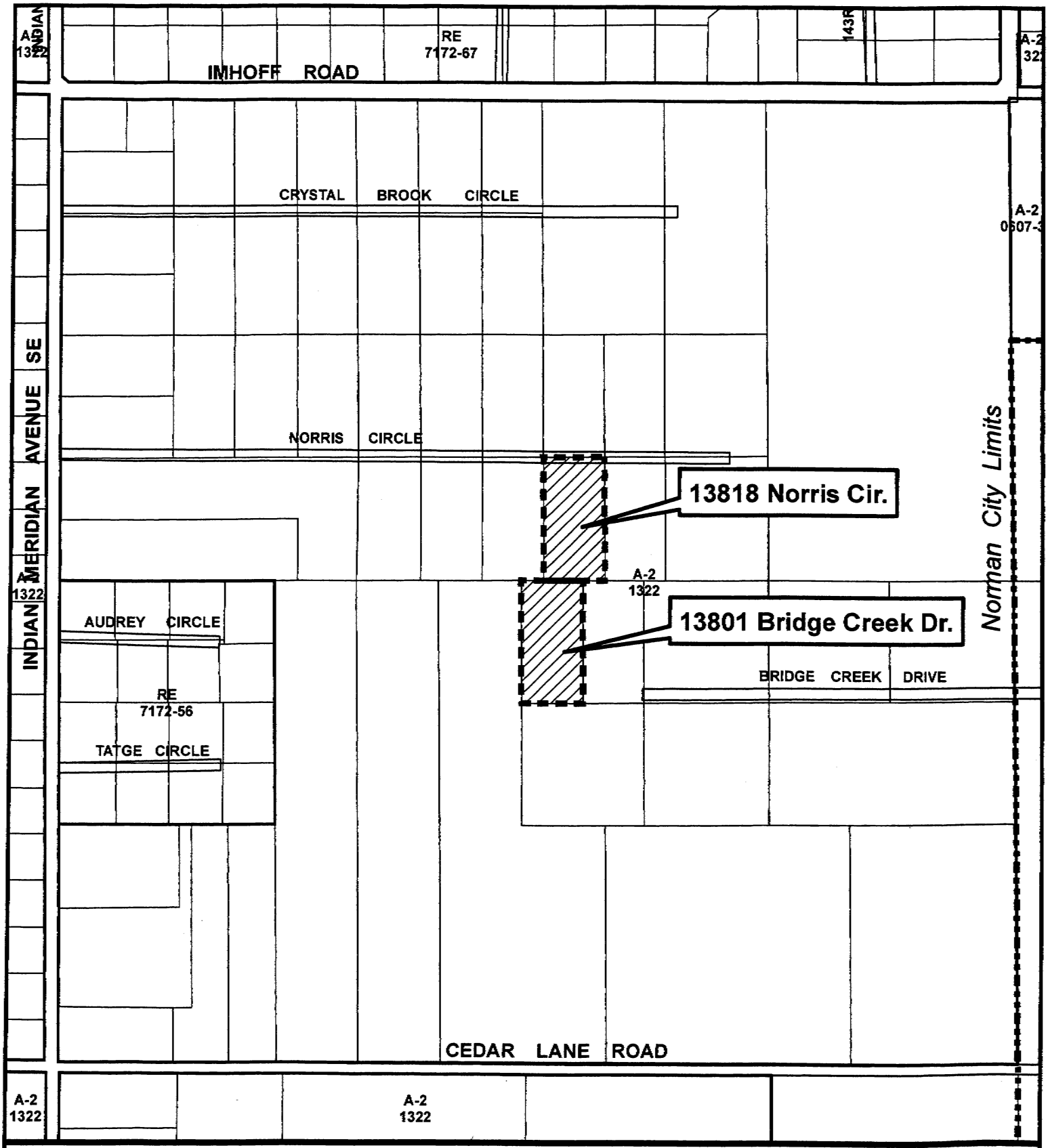


Exhibit "A"

Map Produced by the City of Norman
Geographic Information System.
(405) 366-5316
The City of Norman assumes no responsibility for errors or omissions in the information presented.

N
W E
S

February 26, 2015

0 300 600 Ft.

Subject Tract

Zon

15-3

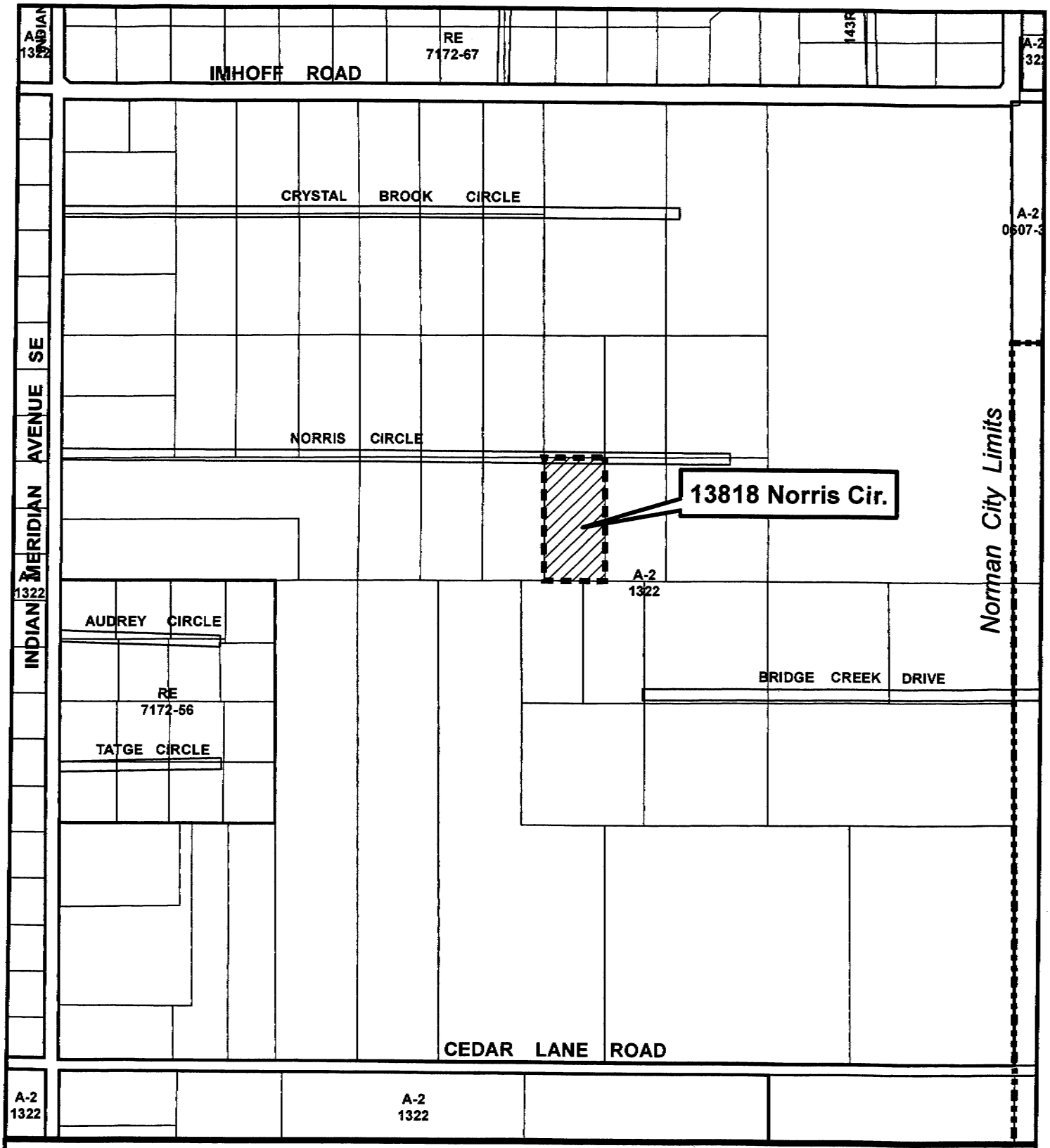


Exhibit "B"

Map Produced by the City of Norman
Geographic Information System.
(405) 366-5316
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.

N
W E
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February 26, 2013

0 300 600 Ft.

Subject Tract

Zoning

15-4

G:\ArcGIS\10 MapTemplates\8x11_LocationMapArcMap10.mxd

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: FP-1213-22

File ID:	FP-1213-22	**Type:**	Final Plat	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 16	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	11/14/2012
File Name:	UNP XI Final Plat			**Final Action:**	

Title: CONSIDERATION OF A FINAL SITE DEVELOPMENT PLAN AND FINAL PLAT FOR UNIVERSITY NORTH PARK ADDITION, SECTION XI, A PLANNED UNIT DEVELOPMENT, AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (LOCATED AT THE SOUTHEAST CORNER OF 24TH AVENUE N.W. AND LEGACY PARK DRIVE)

Notes: ACTION NEEDED: Motion to approve or reject the final site development plan and final plat for University North Park Addition, Section XI, a Planned Unit Development; and, if approved, accept the public dedications contained within the plat, authorize the Mayor to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements and direct the filing of the final site development plan and final plat.

ACTION TAKEN: _____

Agenda Date: 03/26/2013

Agenda Number: 16

Attachments: Text File Final Plat, UniversityNP_XI Location, Final Plat UNP XI, UNP XI Staff Rpt, Final Site UNP XI, Revised Prelim UNP, 12-13-12 PC Minutes - UNP Section XI

Project Manager: Ken Danner, Subdivision Manager

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	12/13/2012					

Text of Legislative File FP-1213-22

body

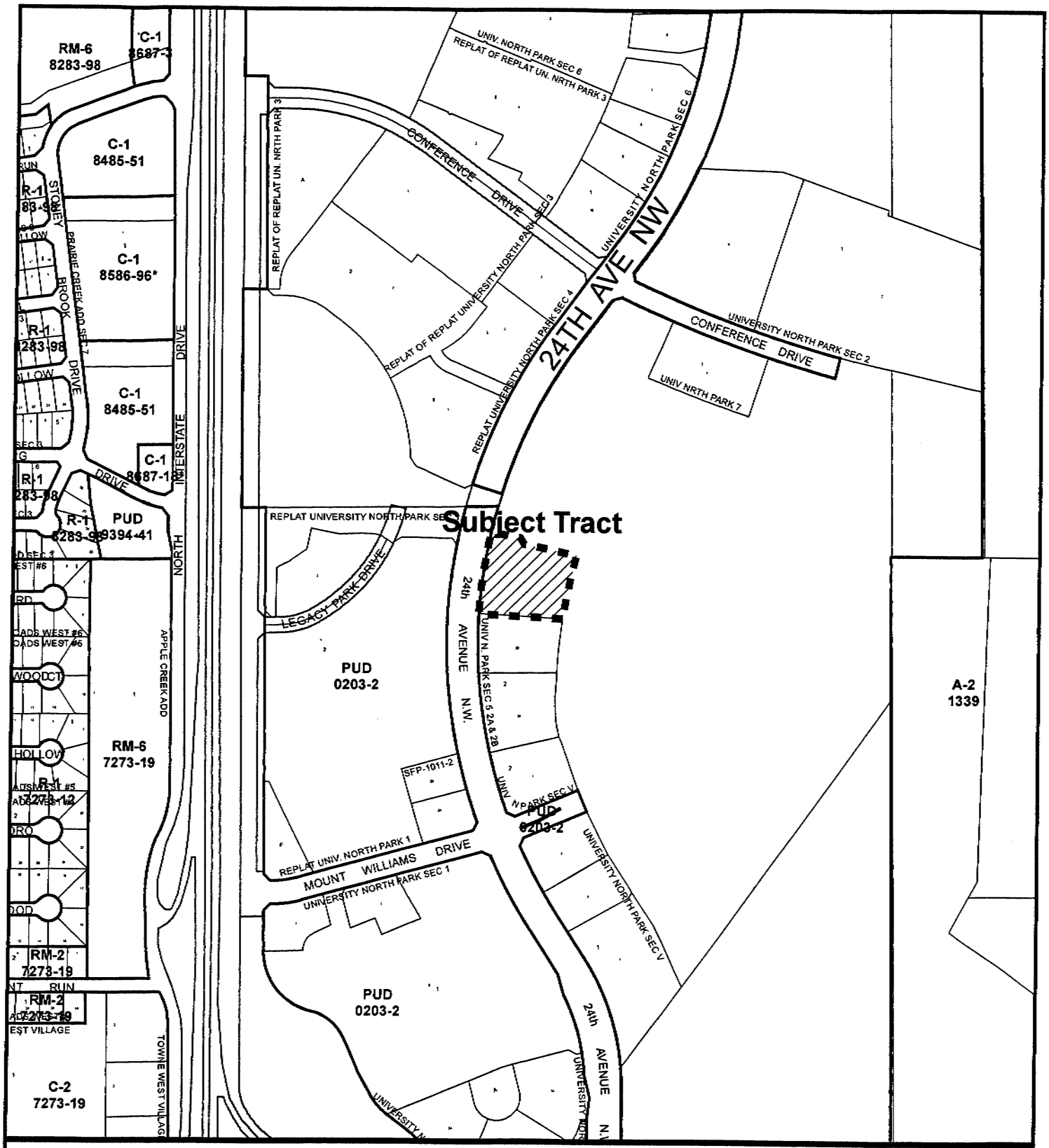
BACKGROUND: This item is a final plat for University North Park Addition, Section XI, a Planned Unit Development, and is located at the southeast corner of the intersection of 24th Avenue N.W. and Legacy Park Drive. This property consists of 2.18 acres and one (1) commercial lot. The final site development plan indicates that six (6) retail businesses will occupy the site in one building with multiple tenant spaces.

Planning Commission, at its meeting of December 13, 2012, approved the final plat for University North Park Addition, Section XI, a Planned Unit Development.

DISCUSSION: The only public improvement required of this plat consists of a water main with fire hydrants within the lot.

The applicant proposes a right turn only entry into the property off of 24th Avenue N.W. Staff supports this proposal. With the construction of Legacy Park to the west of this site, the developers are proposing an east-west private roadway adjacent to this parcel called Legacy Park Drive with a pedestrian corridor. With the future development east of 24th Avenue N.W., an emphasis will be placed on pedestrian activities to provide access to the Legacy Park facilities. The private roadway and sidewalk improvements located on the north and east boundary of this property are a planned improvement that have been connected to the University North Park Addition, Section VIII, a Planned Unit Development (Crest Foods) and will be constructed as part of that development.

RECOMMENDATION: Based upon the above information, staff recommends acceptance of the public dedications, approval of the final site development plan and final plat and the filing of the final plat subject to completion of public improvements. The City Development Committee will ensure completion of all required public improvements or bond(s) and will recommend that the Mayor sign the final plat and bond(s).



Location Map

Map Produced by the City of Norman
Geographic Information System.
(405) 366-5316
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.

N
W E
S

December 6, 2012

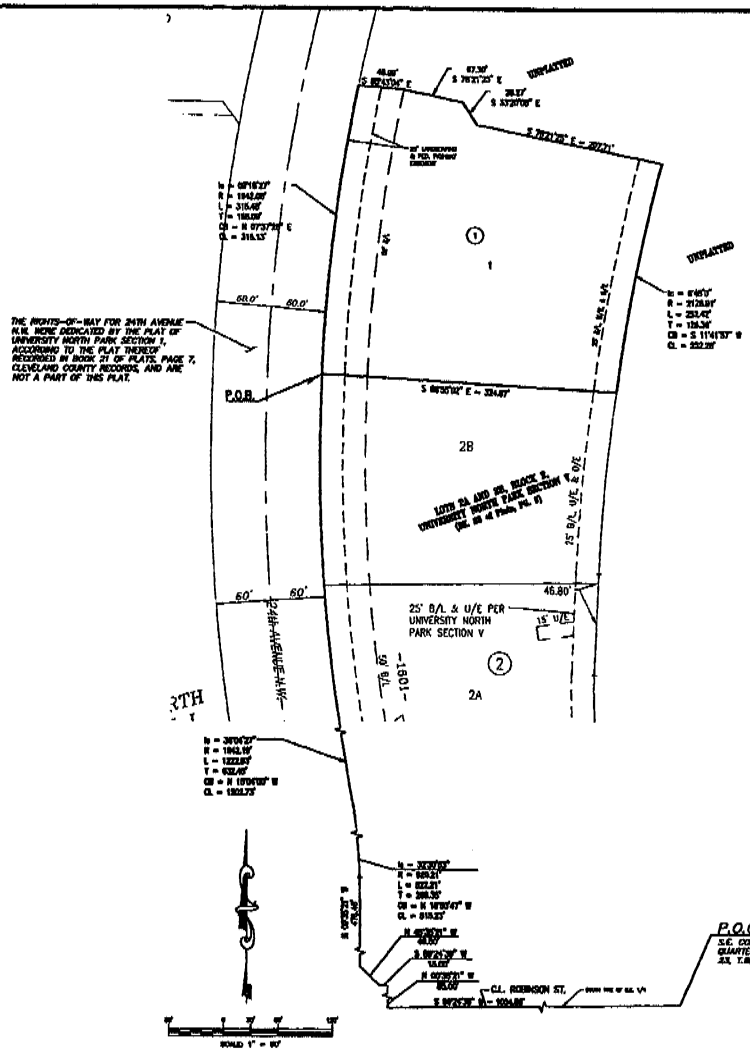
0 250 500 Ft.

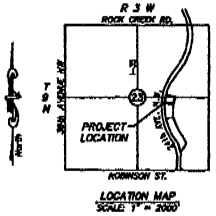
Subject Tract

Zoning

FINAL PLAT
OF
UNIVERSITY NORTH PARK SECTION XI

A PLANNED UNIT DEVELOPMENT
BEING A PART OF THE S.E. 1/4 & N.E. 1/4 OF SECTION 23, T 9 N, R 3 W, INDIAN MERIDIAN
NORMAN, CLEVELAND COUNTY, OKLAHOMA





LOCATION MAP
SCALE: 1" = 2000'

NOTES:

1. EASEMENTS SHOWN HEREON BY SPECIFIC RECORDING INFORMATION ARE SHOWN FOR REFERENCE PURPOSES ONLY AND ARE NOT DEDICATED AS A PART OF THIS PLAT.
2. UNLESS NOTED OTHERWISE, THE UNIT OF MEASUREMENT SHOWN FOR ALL DIMENSIONS ON THE FINAL PLAT IS FEET.
3. EACH LOT OWNER SHALL BE RESPONSIBLE FOR ANY COST THE CITY INCURRED INCURS TO REMOVE THE MASONRY WALL (I.E. DUMPSTER ENCLOSURE) ENCROACHING INTO THE PUBLIC UTILITY EASEMENT, IF NECESSARY, TO FACILITATE MAINTENANCE OR REPAIR TO THE CITY'S UTILITIES. THE LOT OWNER WILL BE RESPONSIBLE FOR THE COST TO REPAIR OR REPLACE SAID MASONRY WALL AFTER SUCH REPAIR. THE LOT OWNER WILL WAIVE AND RELEASE ANY CLAIMS AGAINST THE CITY FOR ANY DAMAGES CAUSED BY THE CITY FOR PURPOSES OF MAINTAINING OR REPLACING THE CITY'S UTILITIES WITHIN THE EASEMENT AREA.

BM #1
BRASS CAP AT INTERSECTION OF MOUNT WILLIAMS DRIVE & 24TH AVE. N.W.
ELEV=1163.67

BM #2
CUT SQUARE ON TOP OF CURB AT NORTH END OF CURB RETURN ON DRIVE APR 1000' N. OF BM #1
ELEV=1161.63

BM #3
CUT SQUARE ON TOP OF CURB EAST SIDE OF 24th APPX. 1000' NORTH OF BM #2
ELEV=1152.20

C.A. = COMMON AREA
D/E = DRAINAGE EASEMENT
PE/E = PEDESTRIAN EASEMENT
LNA = LIMITS OF NO ACCESS
U/E = UTILITY EASEMENT
B/L = BUILDING LINE
-1000- = ADDRESS

ENGINEER OF RECORD
SMC Consulting Engineers, P.C.
[illegible] WEST MAIN STREET – OKLAHOMA CITY, OKLAHOMA 73102
PHONE (405) 235-7733
CERTIFICATE OF AUTHORIZATION NO. 624 EXPIRES JUNE 30, 2013

SHEET 2 OF 2
Date: 11/30/12

ENGINEERS • SURVEYORS • PLANNERS
SMITH ROBERTS BALDISCHWILER, LLC
100 NE 6th STREET – OKLAHOMA CITY, OKLAHOMA 73104 – TELEPHONE (405) 605-7094
CERTIFICATE OF AUTHORIZATION NO. 3040 EXPIRES JUNE 30, 2013

UNIVERSITY NORTH PARK SECTION XI
A PLANNED UNIT DEVELOPMENT

FINAL PLAT
FP-1213-22

ITEM NO. 6

STAFF REPORT

ITEM: Consideration of a Final Plat for UNIVERSITY NORTH PARK ADDITION, SECTION XI, A PLANNED UNIT DEVELOPMENT.

LOCATION: Located at the southeast corner of the intersection of 24th Avenue N.W. and Legacy Park Drive.

INFORMATION:

1. Owners. University Town Center, LLC
2. Developer. University Town Center, LLC
3. Engineer. SMC Consulting Engineers, P.C.

HISTORY:

1. December 19, 1961. Planning Commission recommended to City Council that this property be placed in A-2 zoning classification.
2. January 23, 1962. City Council adopted Ordinance No. 1339 placing a portion of this property in I-1 and removing it from A-2 zoning classification.
3. September 15, 1964. Planning Commission, on a vote of 9-0, recommended to City Council that a portion of this property be placed in I-1 and removed from A-2 zoning classification.
4. September 22, 1964. City Council adopted Ordinance No. 1686 placing a portion of this property in I-1, and removing it from A-2 zoning classification.
5. July 11, 2002. Planning Commission, on a vote of 5-0-2, recommended to City Council that the NORMAN 2020 Land Use and Transportation Plan be amended by designating this property as a Special Planning Area Designation and changing it from Industrial Designation.

HISTORY (con't):

6. July 11, 2002. Planning Commission, on a vote of 5-0-2, recommended to City Council that this property be placed in the PUD, Planned Unit Development and removed from I-1 and A-2 zoning classification.

7. July 11, 2002. Planning Commission, on a vote of 5-0-2, recommended to City Council that the preliminary plat for University North Park Addition, a Planned Unit Development be approved.

8. August 13, 2002. City Council amended the NORMAN 2020 Land Use and Transportation Plan designating this property as a Special Planning Area.

9. August 13, 2002. City Council adopted Ordinance No. O-0203-2 placing this property in the PUD, Planned Unit Development, and removing it from I-1 and A-2 zoning classification. The approval included the preliminary plat for University North Park Addition.

10. September 14, 2006. Planning Commission, on a vote of 7-0, recommended to City Council the amending of the Planned Unit Development Narrative.

11. September 14, 2006. Planning Commission, on a vote of 7-0, recommended to City Council that the preliminary plat for University North Park Addition, a Planned Unit Development be approved.

12. October 24, 2006. City Council postponed indefinitely Ordinance No. O-0607-13, amending the Planned Unit Development Narrative and Site Development Plan for University North Park Addition, a Planned Unit Development.

13. October 24, 2006. City Council postponed indefinitely the revised Preliminary Plat for University North Park Addition, a Planned Unit Development.

14. December 12, 2006. City Council approved Ordinance No. O-0607-13 amending the Planned Unit Development Narrative and Site Development Plan and approved the revised Preliminary Plat for University North Park Addition, a Planned Unit Development.

IMPROVEMENT PROGRAM:

1. Fire Hydrants. Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Fire Department.

2. Permanent Markers. Permanent markers will be installed prior to the filing of the final plat.

IMPROVEMENT PROGRAM (cont):

3. Sanitary Sewers. Sanitary sewer main is existing.

4. Sidewalks. Sidewalk adjacent to 24th Avenue N.W. is existing. A sidewalk will be installed adjacent to Legacy Park Drive.

5. Storm Sewers. Drainage structures are existing that serve this area including off plat detention.

6. Streets. Twenty-fourth Avenue N.W. is existing. Legacy Park Drive, east of 24th Avenue N.W. is scheduled to be constructed as part of access drive for Crest construction plans.

7. Water Mains. Water mains will be installed in accordance with approved plans and City and Department of Environmental Quality Standards.

PUBLIC DEDICATIONS:

1. Easements. All required easements are dedicated to the City on the final plat.

2. Rights-of-Way. All street rights-of-way are dedicated to the City on the final plat.

SUPPLEMENTAL MATERIAL: Copies of a location map, preliminary plat, final site development plan and final plat are included in the Agenda Book.

STAFF COMMENTS AND RECOMMENDATION: The applicant has a proposal for a right turn only into the property off of 24th Avenue N.W. Staff does support their proposal. With the construction of Legacy Park, the developers are proposing an east-west pedestrian corridor. With the future development east of 24th Avenue N.W. an emphasis will be placed on pedestrian activities to provide access to the Legacy Park facilities. The private drive and sidewalk improvements located on the north and east boundary of this property are a planned improvement that have been connected to the University North Park Addition, Section VIII, a Planned Unit Development (Crest) and will be constructed as part of that development. Staff recommends approval of the final site development plan and approval of the final plat for University North Park Addition, Section XI, a Planned Unit Development.

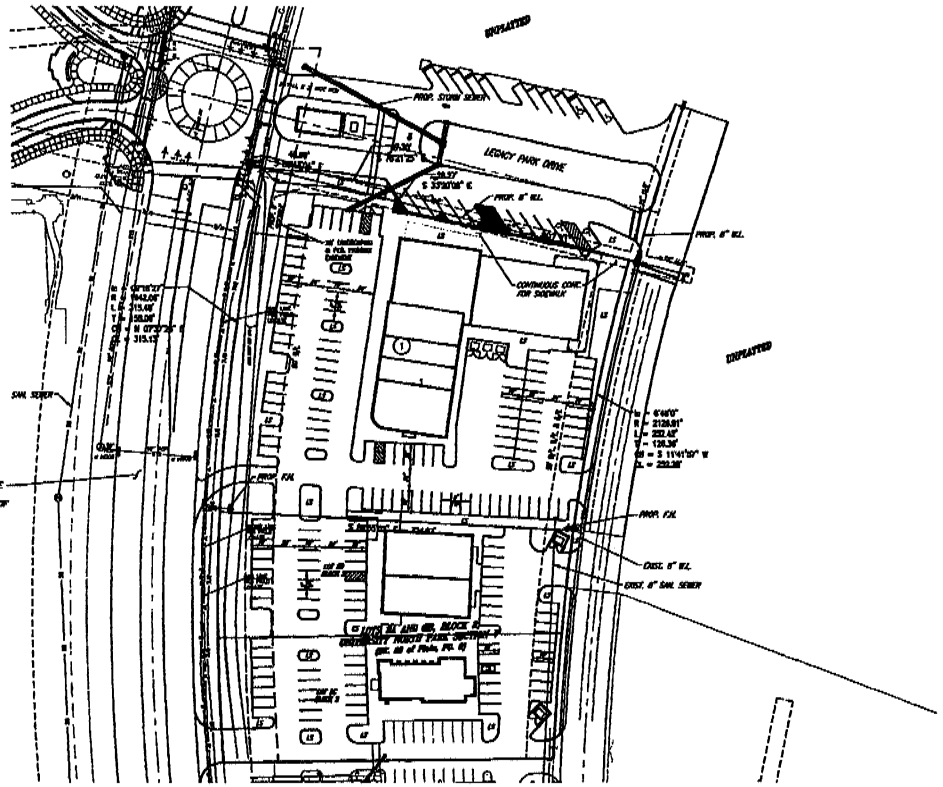
ACTION NEEDED: Approve or disapprove the final site development plan and the final plat for University North Park Addition, Section XI, a Planned Unit Development.

ACTION TAKEN:_____

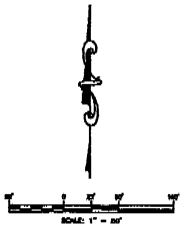
FINAL SITE DEVELOPMENT PLAN

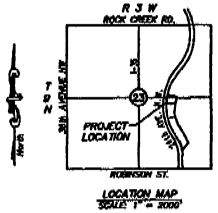
UNIVERSITY NORTH PARK SECTION XI

A PLANNED UNIT DEVELOPMENT
BEING A PART OF THE S.E. 1/4 & N.E. 1/4 OF SECTION 23, T 9 N, R 3 W, INDIAN MERIDIAN
NORMAN, CLEVELAND COUNTY, OKLAHOMA



THE RIGHTS-OF-WAY FOR 24TH AVENUE N.W. WERE DEDICATED BY THE PLAT OF UNIVERSITY NORTH PARK SECTION I, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK 21 OF PLATS, PAGE 7, CLEVELAND COUNTY, RECORDS, AND ARE NOT A PART OF THIS PLAT.





LOCATION MAP
SCALE: 1" = 2000'

NOTE:
THIS IS A CONCEPTUAL SITE PLAN.

FINAL SITE DEVELOPMENT PLAN
UNIVERSITY NORTH PARK SECTION XI
NORMAN, OKLAHOMA

SMC Consulting Engineers, P.C.

No.	Revision	By	Date
1	Revised per City Engineer comments	JMC	11/26/12

DATE: 11/09/12	SCALE: 1" = 50'	SHEET NO. 1 OF 1
DRAWN BY: SJL		
PROJECT NO.: 040148		
ENGINEER:		

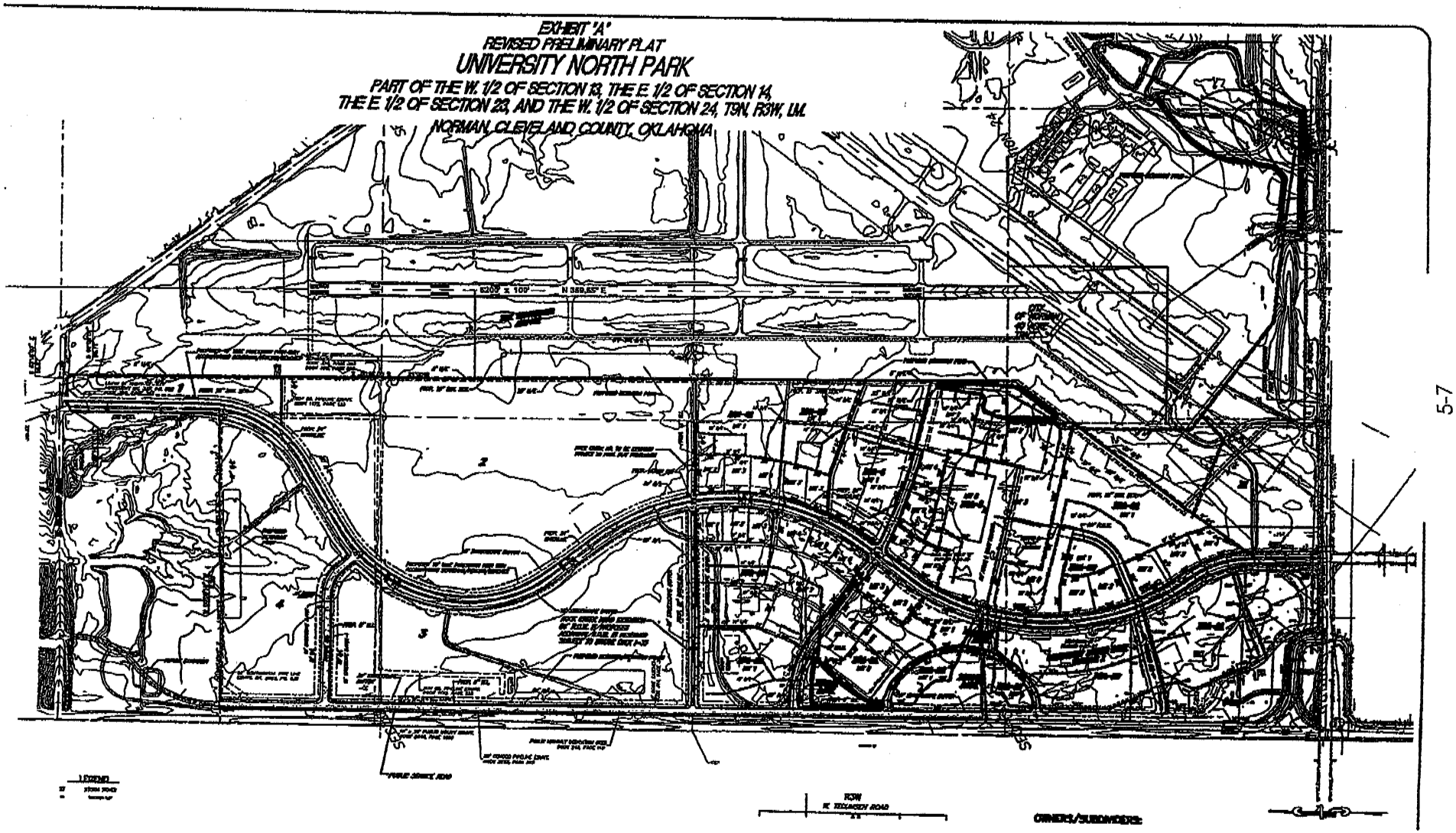


EXHIBIT "A"
REVISED PRELIMINARY PLAT
UNIVERSITY NORTH PARK
PART OF THE W. 1/2 OF SECTION 13, THE E. 1/2 OF SECTION 14,
THE E. 1/2 OF SECTION 23, AND THE W. 1/2 OF SECTION 24, T9N, R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA
OWNERS/SUBDIVIDERS:

5-7

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

DECEMBER 13, 2012

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 13th day of December 2012. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions at least twenty-four hours prior to the beginning of the meeting.

Chairman Andy Sherrer called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:
ROLL CALL

MEMBERS PRESENT	Dave Boeck Tom Knotts Curtis McCarty Cindy Gordon Jim Gasaway Sandy Bahan Chris Lewis Andy Sherrer
MEMBERS ABSENT	Roberta Pailes

A quorum was present.

STAFF MEMBERS PRESENT	Susan Connors, Director, Planning & Community Development Jane Hudson, Principal Planner Janay Greenlee, Planner II Ken Danner, Subdivision Development Manager Roné Tromble, Recording Secretary Leah Messner, Asst. City Attorney Larry Knapp, GIS Analyst II Terry Floyd, Development Coordinator Scott Sturtz, City Engineer

* * *

Chairman Sherrer recognized Sandy Bahan, new member of the Planning Commission, and recognized Diana Hartley for her service on the Commission from November 2009 through December 2012.

* * *

Item No. 2, being:
CONSENT DOCKET
Chairman Sherrer announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. The Consent Docket consisted of the following items:

Item No. 3, being:
APPROVAL OF THE NOVEMBER 8, 2012 REGULAR SESSION MINUTES

Item No. 4, being:
COS-1213-4 – CONSIDERATION OF A NORMAN RURAL CERTIFICATE OF SURVEY SUBMITTED BY J. MERTENS CONSTRUCTION, INC. FOR NICKSAND ACRES, GENERALLY LOCATED ON THE WEST SIDE OF 120TH AVENUE N.E. APPROXIMATELY ¼ MILE NORTH OF INDIAN HILLS ROAD (11702 MARY LANE).

Item No. 5, being:
FP-1213-21 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY SWEETGRASS COMMUNITIES, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR RED CANYON RANCH SECTION 4, A PLANNED UNIT DEVELOPMENT, FOR PROPERTY GENERALLY LOCATED APPROXIMATELY ¼ MILE NORTH OF TECUMSEH ROAD AND ¼ MILE WEST OF 12TH AVENUE N.E. (WEST OF KINGS CANYON).

Item No. 6, being:
FP-1213-22 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY UNIVERSITY TOWN CENTER, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR UNIVERSITY NORTH PARK SECTION XI, A PLANNED UNIT DEVELOPMENT, FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF 24TH AVENUE N.W. AND LEGACY PARK DRIVE.

Item No. 7, being:
SFP-1213-1 – CONSIDERATION OF A SHORT FORM PLAT SUBMITTED BY UNIVERSITY TOWN CENTER, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR LOTS 2C AND 2D, BLOCK 2, BEING A REPLAT OF LOT 2B, BLOCK 2 OF THE FINAL PLAT OF LOT 2A AND 2B, BLOCK 2, UNIVERSITY NORTH PARK SECTION V, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED ON THE EAST SIDE OF 24TH AVENUE N.W. AND 315 FEET SOUTH OF LEGACY PARK DRIVE.

Item No. 8, being:
FP-1213-23 – CONSIDERATION OF AN AMENDED FINAL PLAT SUBMITTED BY RW & JS, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR WILLIAMS & SPURGEON ADDITION FOR PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF 24TH AVENUE S.W. AND APPROXIMATELY ½ MILE NORTH OF LINDSEY STREET.

Item No. 9, being:
PP-1213-8 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY TERRA VERDE DEVELOPMENT, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR LITTLE RIVER TRAILS ADDITION, A PLANNED UNIT DEVELOPMENT GENERALLY LOCATED ON THE WEST SIDE OF PORTER AVENUE APPROXIMATELY ¼ MILE NORTH OF TECUMSEH ROAD.

*

Chairman Sherrer asked if any member of the Commission wished to remove any item from the Consent Docket. There being none, he asked whether any member of the audience wished to speak regarding any item. There being none, he asked for discussion by the Planning Commission.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Jim Gasaway moved to place approval of Item Nos. 3 through 9 on the Consent Docket and approve by one unanimous vote. Chris Lewis seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Dave Boeck, Tom Knotts, Curtis McCarty, Cindy Gordon, Jim Gasaway, Sandy Bahan, Chris Lewis, Andy Sherrer
NAYES	None
ABSENT	Roberta Pailes

Ms. Tromble announced that the motion, to place approval of Item Nos. 3 through 9 on the Consent Docket and approve by one unanimous vote, passed by a vote of 8-0.

* * *

Item No. 6, being:
FP-1213-22 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY UNIVERSITY TOWN CENTER, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR UNIVERSITY NORTH PARK SECTION XI, A PLANNED UNIT DEVELOPMENT, FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF 24TH AVENUE N.W. AND LEGACY PARK DRIVE.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Final Plat
3. Staff Report
4. Final Site Development Plan
5. Preliminary Plat

The Final Plat for UNIVERSITY NORTH PARK SECTION XI, A Planned Unit Development was approved on the Consent Docket by a vote of 8-0.

* * *

City of Norman, OK

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: EN-1213-5

File ID:	EN-1213-5	**Type:**	Encroachment	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 17	**In Control:**	City Council
Department:	Legal Department	**Cost:**		**File Created:**	03/12/2013
File Name:	Encroachment for 1400 Spruce Drive EN-1213-5			**Final Action:**	

Title: CONSIDERATION OF CONSENT TO ENCROACHMENT NO. 1213-5 FOR LOT 12, BLOCK 9, COLLEGE MANOR ADDITION, NORMAN, CLEVELAND COUNTY. (1400 SPRUCE DRIVE)

Notes: ACTION NEEDED: Motion to approve or reject Consent to Encroachment No. EN-1213-5; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Agenda Date: 03/26/2013

Agenda Number: 17

Attachments: Text File Spruce, Memo from City Clerk 1400 Spruce, Consent EN-1213-5, Letter of Request 1400 Spruce, Board of Adjustment Approval, Letter Speck from Owner of 1400 Spruce, Memo from Utilities 1400 Spruce, Memo from Planning, Letters from Utility Companies Spruce

Project Manager: Leah Messner, Assistant City Attorney

Entered by: denise.johnson@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File EN-1213-5

body

BACKGROUND: An encroachment request has been filed in the office of the City Clerk by Ron and Deanna Eades requesting a Consent to Encroach into a City of Norman 20' utility easement containing an 8" sewer main and manhole for the purpose of building a workshop.

DISCUSSION: The application for a Consent to Encroach concerns the encroachment upon the City of Norman utility easement of an 18' x 18' workshop.

The Eades requested of the Board of Adjustment approve a Variance of approximately 10 feet to the 20 foot platted side yard setback (east side) for the construction of a workshop. On February 27, 2013, at the regularly

scheduled meeting of the Board of Adjustment, the Board approved the Variance with the condition that: (1) the Variance is only valid for the life of that workshop; and (2) the fence not be relocated any closer to the property line.

Staff has reviewed the application, the Board of Adjustment approval, and the "hold harmless" clause. From a legal perspective, it protects the City's concerns with respect to damage to the property owner's property should the City or other authorized entity be required to perform work within its easements.

The benefit to having a consent to encroach on file is that it is evidence of the property owners' understanding that, while the City is allowing them to encroach upon the easements, the City is not liable and will not be responsible for damage to the property owners' property in the event such maintenance has to be performed within the easement.

STAFF RECOMMENDATION: Based upon the above and foregoing, the City Attorney's office is forwarding the above Consent to Encroach for Council consideration.

office memorandum

DATE: November 26, 2012

TO: Jeff Bryant, City Attorney
Jane Hudson, Current Planning Manager
Ken Danner, Subdivision Manager
Ken Komiske, Director of Utilities

FROM: Brenda Hall, City Clerk BH

SUBJECT: Consent to Encroachment No. 1213-5

An Encroachment Request was filed in my office today for permission to encroach on a utility easement located in Lot 12, Block 9, College Manor Addition, a/k/a 1400 Spruce Drive to construct a 18' by 18' workshop. I am forwarding the letter of request, site plan, correspondence from Jim Speck, Capital Projects Engineer; Oklahoma Gas and Electric; AT&T; Cox Communications; Oklahoma Natural Gas; Oklahoma Electric Cooperative; and PAETEC. The application fee has been paid. After the information has been received from the Planning Department, Public Works Department, and Utilities Department and a determination has been made on whether to recommend approval or denial, please forward your recommendation and Consent to Encroachment Form, if needed, to my office in order that it may be scheduled as an agenda item.

This item will be scheduled as an agenda item on January 8, 2013, and the information must be received in my office by December 21, 2012. If there is a problem in meeting that timeframe, please advise.

smr
attachments

CONSENT

Consent to Encroachment No. 1213-5

WHEREAS, the City of Norman, Cleveland County, Oklahoma, is in possession of 20' utility easement containing an 8" sewer main and manhole on the land described as follows, to-wit:

Lot 12, Block 9, College Manor Addition, Cleveland County, Oklahoma a/k/a 1400 Spruce Drive,

AND WHEREAS, the owner of the above-described property requests that an 18' x 18' workshop be allowed to encroach upon the existing utility easement;

AND WHEREAS, the City has been requested to consent in writing for an 18' x 18' workshop be installed at the requested location;

NOW, THEREFORE, the City of Norman does hereby consent to said 18' x 18' workshop being within and upon the 20' utility easement which contains an 8" sewer main and manhole with the following conditions:

1. The consent is valid only for the life of the 18' x 18' workshop; and

2. The fence on the platted side yard setback (east side) not be located any closer to the property line; and

3. The property owner be responsible for the cost of repairs for any damages to the City's utility easement caused by any excavation or other construction activities conducted on their behalf; and

4. The property owner will be responsible for the cost the City incurs to remove any or all of the workshop, if needed, to facilitate maintenance or repair of the City's easement; and

5. The property owner will be responsible for the cost to repair or replace any or all of that portion of the workshop for such repairs; and.

6. The property owner waives and releases any claims against the City for any damages to any or all of that portion of the workshop caused by any excavation by the City for purposes of maintaining or replacing the City's facilities within the easement areas; and

7. By encroaching on said easements, the property owner releases Oklahoma Electric Cooperative, Oklahoma Gas & Electric, Oklahoma Natural Gas, AT&T Southwest, PAETEC, and/or Cox Communications, Inc. of responsibility to repair, rebuild, or maintain any portion of the encroaching workshop; and

8. Damages to Oklahoma Electric Cooperative, Oklahoma Gas & Electric, Oklahoma Natural Gas, AT&T Southwest, PAETEC, or Cox Communications, Inc. facilities resultant from any current/future construction may carry possible financial charges to the property owner.

The consent is limited to the 18' x 18' workshop as indicated in the application being located on the 20' sewer easement which contains an 8" sewer main and manhole, and the City does not authorize or consent to the construction or location of any other structure(s) of a permanent nature within the easement. Further, this Consent is given with the understanding that the property owner is responsible for any and all direct and consequential damages resulting from the granting of this consent with entry to or upon the existing easement as required at any time in the future.

The City, or any other entity so authorized, shall not be held responsible for any and all direct or consequential damages to encroaching improvements resulting from entry, by the City or any other entity so authorized, upon said utility easement, for any purpose associated with the maintenance, construction, relocation, etc. of any utility located within the said easement.

IN WITNESS WHEREOF, the undersigned has executed this consent this ____ day of March, 2013.

THE CITY OF NORMAN, OKLAHOMA

_____
Mayor

ATTEST:

_____
City Clerk

On this _____ day of March, 2013, before me personally appeared _____ and _____, to me to be known to be the identical persons who executed the same as their free and voluntary act and deed of such municipal corporation, for the uses and purposes therein set forth.

Witness my hand and official seal the day and year last above written.

_____
Notary Public

My Commission Expires:

_____

The City of Norman
Post Office Box 370
Norman, OK 73070

OWNERS:

By: _____ By: _____
Ron Eades Deanna Eades

On this ____ day of March, 2013, before me personally appeared _____ _____ to me to be known to be the identical person(s) who executed the same as his/her free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and official seal the day and year last above written.

_____
Notary Public

My Commission Expires: _____

Ron & Deanna Eades
1400 Spruce Dr.
Norman, OK 73072

November 26, 2012

Brenda Hall, Clerk, City of Norman
201 West Grey
Norman, OK 73069

Ms Hall,

This is a request to encroach 5' on an unused portion of a 20' easement running from west north west to east south east across the back of our property. This area (90 sf) will be used to provide room to construct an 18' by 18' workshop. The storage building existing adjacent to the easement will be demolished to provide the remaining room (234sf) required for the 324sf workshop.

Approvals or communications stating no objections for the Consent to Encroach have been received from: OGE, ATT, City of Norman (Mr. Speck), COX, ONG, OEC, and PAETEC. These are all attached. Also attached is a site plan showing the easement, property lines, fence lines, existing sewer line, existing and proposed building lines, and a measurement showing the proposed building is 10' inside our property line.

Communications with Mr. Kovach, Mr. Floyd, and Mr. Danner led to these contacts and the drawing. We hope this is all that is required to secure City of Norman approval for construction of this shop building. Should other information be required, please let us know.

The $400 required for council consideration of this request is also attached.

Sincerely,

Ron Eades

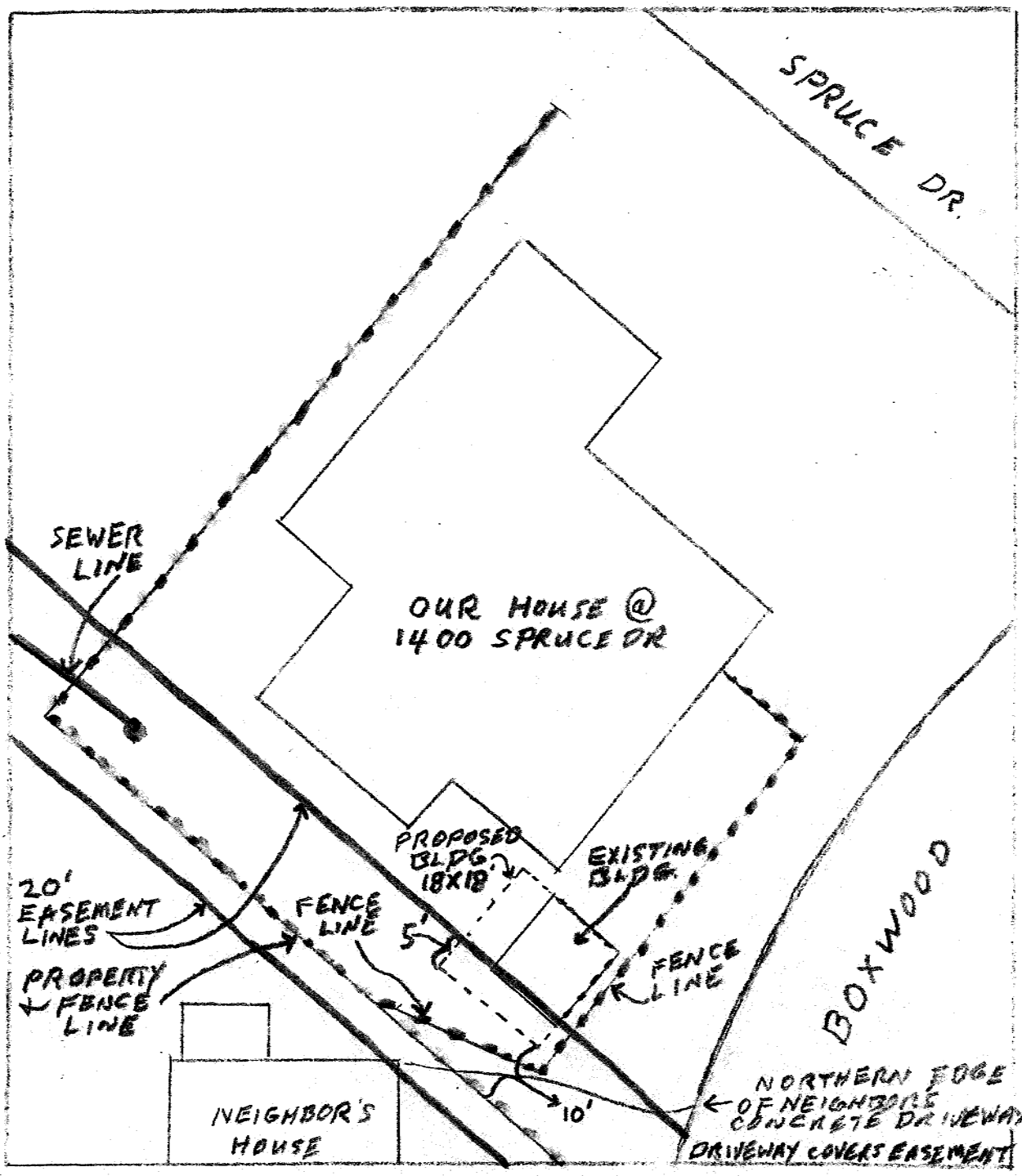
Deanna Eades

Ron & Deanna Eades

Attachments:
1. Letters
2. Site Plan
3. $400 Check

820-6844 (cell)

FILED IN THE OFFICE
OF THE CITY CLERK
ON 11/26/12



Site Plan

DRAWN FROM CITY OF NORMAN SITE PLAN

The City of
NORMAN

201 West Gray, Bldg. A • P.O. Box 370
Norman, Oklahoma 73069 • 73070

PLANNING AND COMMUNITY DEVELOPMENT
Phone: 405-366-5433

March 11, 2013

Ron & Deanna Eades
1400 Spruce Drive
Norman, OK 73072

RE: Variance to the Side Yard Setback (East Side)
1400 Spruce Drive

Dear Mr. & Mrs. Eades:

Please be advised that at the February 27, 2013 meeting of the Board of Adjustment your request for a Variance of approximately 10' to the 20' platted side yard setback (east side) for the construction of a shop building for the above-referenced property was approved by the Board, with the condition that the variance is only valid for the life of that building, and the condition that the fence not be relocated any closer to the property line. No protests to the Board's action were filed at District court within the ten day waiting period; therefore, the Board's decision is considered to be final.

Please do not hesitate to contact us when we may be of further assistance.

Sincerely,

Wayne Stenis
Planner II

WS/rnt

FILED IN THE OFFICE
OF THE CITY CLERK
ON 3-11-13

Mr. Speck,

Please review the attached drawing where there is a proposed 5' encroachment for a building. This encroachment is into a 20' easement that is only used on the west end of our property for a sewer line that dead ends approx 10' from our west property line. Otherwise, it is unused and has been unused for over 40 years.

Chris Bozeman from the City of Norman Sewer Department gave his OK per phone call on 29 Oct 12. OKIE has checked the site and says no lines exist except on the far west side of our property.

We have been advised by city officials that an e-mail from you, accompanying our letter to the City Clerk, would ease things along for us and them. Would you please respond by e-mail whether you have any objections to our 5' encroachment on a 20' unused area of this easement?

Property identification is as follows:

Lot 12, Block 9

College Manor Addition

1400 Spruce Drive

Norman, Oklahoma

Thank You,

Ron& Deanna Eades

pickblu@cox.net

office memorandum

Date: January 24, 2013

To: Brenda Hall, City Clerk

From: Jim Speck, Capital Projects Engineer JS

Re: Consent to Encroach 1213-5
Lot 12, Block 9, College Manor Addition
(1400 Spruce Drive)

The lot located at 1400 Spruce Drive (Lot 12, Block 9, College Manor Addition) has a platted 20-foot wide utility easement (U/E) along the rear (southwestern) boundary. The owner requests construction of a 18' by 18' building that would extend into the U/E along the southwest property line. The building is shown to be installed adjacent to the southeast property line, and would encroach five (5) feet into the U/E.

There is an 8-inch sewer main & manhole located in the U/E at the western corner of the U/E. However, the sewer line does not extend through the entire U/E and terminates at an acceptable distance from the site of the proposed building.

The Utilities Department objects to all encroachments on utility easements unless the applicant agrees to certain requirements being filed of record on the consent document. A recommendation to approve is forwarded only when the applicant agrees to the following:

1. The property owner will be responsible for the cost to repair any damages to the City's utilities caused by any excavation, piering or other construction activities conducted by the property owner or his agents.
2. The property owner will be responsible for the cost the City incurs to remove any fence, curb, landscaping, building, and any other structure if needed to facilitate maintenance or repair of the City's utilities.
3. The property owner will be responsible for the cost to repair or replace any fence, curb, or any other structure after such repairs.
4. The property owner will waive and release any claims against the City for any damages to the residence and related improvements caused by a failure or repair and maintenance of the City's utilities within the easement area.

The Utilities Department can approve the encroachment application if the above requirements are filed of record on the consent document. Please advise if you have any questions.

Cc: Jeff Bryant
Ken Danner
Ken Komiske
Mark Daniels
David Hager

office memorandum

DATE: March 11, 2013

TO: Leah Messner, Assistant City Attorney

FROM: Jane Hudson, Principal Planner

SUBJECT: Consent to Encroach - EN-1213-5
Lot 12, Block 9, Manor College Addition
1400 Spruce Drive

The applicant originally submitted a consent to encroach request on a utility easement in November of 2012. This consent to encroach was for the location of a new storage building. However, the applicant needed to apply to the Board of Adjustment for a variance to locate the proposed storage building in the area of a platted 20' side yard setback. Planning staff requested the applicant postpone this encroachment request until an application to the Board of Adjustment could be processed. The applicant agreed to postpone the consent and submitted an application to the Board of Adjustment on January 25, 2013.

On February 27, 2013 the Board of Adjustment approved a variance of approximately 10' to the platted 20' side yard setback (east side) for construction of a shop building, with the condition that the variance is valid only for the life of that building, and a condition that the fence not be relocated any closer to the property line.

With approval from the Board of Adjustment the application for consent to encroach can now move forward.

Planning and Community Development Staff does not oppose the requested consent to encroach the utility easement with the new storage building.

Reviewed by: Susan Connors, AICP
Director of Planning and Community Development

cc: Brenda Hall, City Clerk

office memorandum

DATE: December 18, 2012

TO: Leah Messner, Assistant City Attorney

FROM: Ken Danner, Subdivision Development Manager K.D.

SUBJECT: Consent to Encroach
Lot 12, Block 9, College Manor Addition
1400 Spruce Drive

Public Works/Engineering staff does not oppose the proposed 18' x 18' storage building encroaching approximately five feet into a ten foot (10') utility easement. We do yield to the Utilities Department regarding any possible sanitary sewer mains that might be located within the easement. The City and /or utility companies should be held harmless in the course of maintaining their facilities if located within the utility easement. The owner received responses from the utility companies.

If you have further questions, please feel free to contact me.

KD/pj

Reviewed by: Scott Sturtz, City Engineer SS
Reviewed by: Shawn O'Leary, Director of Public Works

cc: Brenda Hall, City Clerk
Ken Komiske, Director of Utilities

Hello Ron & Deanna,
Pursuant to your request, I have reviewed your proposed plans and the encroachment area for your new building. I have no objection to your plans. Let me know this this email will suffice or the City of Norman prefers a letter. If you or the City of Norman has any questions, please do not hesitate to contact either my email or my office number, 405-291-1073.
Respectfully,
Terri Hayes
ATT
Manager/Outside Plant Planning and Design Engineer
Norman Wire Center

-----Original Message-----
From: Ron & Deanna [mailto:pickblu@cox.net]
Sent: Sunday, November 04, 2012 12:43 PM
To: HAYES, TERRI L
Subject: Consent to Encroach

Terri Hayes,

Please review the attached drawing where there is a proposed 5' encroachment for a building. This encroachment is into a 20' easement that is only used on the west end of our property for a sewer line that dead ends approx 10' from our west property line. Otherwise, it is unused and has been unused for over 40 years.

Chris Bozeman from the City of Norman Sewer Department gave his OK per phone call on 29 Oct 12. OKIE has checked the site and says no lines exist except on the far west side of our property.

We have been advised by city officials that an e-mail from you, accompanying our letter to the City Clerk, would ease things along for us and them. Would you please respond by e-mail whether you have any objections to our 5' encroachment on a 20' unused area of this easement?

Property identification is as follows:
Lot 12, Block 9
College Manor Addition
1400 Spruce Drive
Norman, Oklahoma

Thank You,
Ron & Deanna Eades
pickblu@cox.net

OEC has no objection to the easement encroachment located at 1400 Spruce Dr.

Thanks,
Thad Peterson
OEC
(405)217-6625

-----Original Message-----
From: Ron & Deanna [mailto:pickblu@cox.net]
Sent: Sunday, November 04, 2012 1:55 PM
To: Thad Peterson
Subject: Consent to Encroach

Mr. Peterson,

Please review the attached drawing where there is a proposed 5' encroachment for a building. This encroachment is into a 20' easement that is only used on the west end of our property for a sewer line that dead ends approx 10' from our west property line. Otherwise, it is unused and has been unused for over 40 years.

Chris Bozeman from the City of Norman Sewer Department gave his OK per phone call on 29 Oct 12. OKIE has checked the site and says no lines exist except on the far west side of our property.

We have been advised by city officials that an e-mail from you, accompanying our letter to the City Clerk, would ease things along for us and them. Would you please respond by e-mail whether you have any objections to our 5' encroachment on a 20' unused area of this easement?

Property identification is as follows:
Lot 12, Block 9
College Manor Addition
1400 Spruce Drive
Norman, Oklahoma

Thank You,
Ron& Deanna Eades
pickblu@cox.net

PO Box 321
Oklahoma City, Oklahoma 73101-0321
405-553-3000
www.oge.com

OG&E

OG&E Electric Services
An OGE Energy Corp. Company

NOVEMBER 5, 2012

RON & DEANNA EADES
1400 SPRUCE DRIVE
NORMAN, OK. 73072

DESCRIPTION OF WORK: **Encroachment into a 20' platted utility easement**
LEGALS OF WORK LOCATIONS **1400 Spruce Drive**
Lot 12, Block 9, College Manor Addition

Mr. & Mrs. Eades;

Your request for approval from Oklahoma Gas & Electric to permit the installation of a building into the platted easement located along the back or south side of the above mentioned property, has been reviewed. Our records indicate we do have underground facilities in this easement. They are located along the west side of the lot. Care will need to be taken so as to not disturb the pedestal and service line that serves the meter on the house. OG&E does not object to the encroachment of the new building into the easement, provided you do the following:

1.) Notify "Call-Okie" at (405) 840-5032 at least 48 hours before digging to have all lines marked.
2.) If equipment is involved and is as high as the lowest OG&E overhead wire, approximately 18 feet, and it will be operating within 10 feet of our wire, you should call OG&E construction at 553-5143, to have wires covered.
3.) Call OG&E construction at 553-5143 two days before drilling and/or trenching closer than **eight feet to an OG&E utility pole, or five feet to an OG&E underground line.**
4.) OG&E would not be held responsible for damaging a private line in a (public/platted) easement.
5.) OG&E would need to be reimbursed for any damage to its facilities.
6.) OG&E would need to be reimbursed ahead of time for the cost of relocating any facilities.

Please keep in mind this letter does not allow any future encroachments in this utility easement, unless you have the express written consent from OG&E prior to any encroachment. Obtaining a permit from the city of Norman, or beginning the above referenced work constitutes acceptance of the terms of this letter. If you have any questions, or if I can provide you with any other information, please contact me at 553-5174.

Sincerely,

Timothy J Bailey
Right-Of-Way Agent

November 12, 2012

Ron & Deanna Eades
1400 Spruce Drive
Norman, Oklahoma 73072-6814

Attn: Ron & Deanna Eades Lot 12, Block 9 College Manor Addition 1400 Spruce Drive, Norman, Oklahoma, 73072-6814

RE: Letter of Encroachment of a new out building located at Lot 12; Block 9 College Manor Addition 1400 Spruce Drive, Norman, Oklahoma, 73072-6814

To Whom It May Concern:

Cox Communications, has no objection to the City of Norman, granting a revocable permit to erect, construct, and maintain a new out building located at Lot 12, Block 9 College Manor Addition 1400 Spruce Drive, Norman, Oklahoma, 73072-6814, to be installed in, on, over, under, or on a portion of the public right of way or utility easements.

Prior to beginning any digging and/ or trenching activities, please call OKIE–ONE 1-800-522-6543 for exact location of our facilities. Cost to repair ANY Cox Communications facility damage caused during construction of this project will be the responsibility of the damaging party. If any future repairs are necessary Cox Communications is not responsible for any damages to any structures placed on or in the utility easements.

If you have any question or concerns, please feel free to contact our office at (405) 600-6336 or email
CCIOKC-OklahomaDesign@cox.com

Sincerely,

Jodie Finney

Jodie Finney
Construction Service Support Specialist II
Network Services

November 19th, 2012

OKLAHOMA NATURAL GAS

A DIVISION OF ONEOK

Mr. Ron Eades
1400 Spruce Drive
Norman, OK 73072

Dear Mr. Eades:

LETTER OF NO OBJECTION FOR A REVOCABLE PERMIT

THIS REQUEST IS FOR A PROPOSED STORAGE BUILDING TO BE PLACED ON THE SOUTHEAST CORNER OF THE PROPERTY LOCATED AT 1400 SPRUCE DRIVE, NORMAN, OK 73072.

The legal description for 1400 Spruce Drive is: SE ¼ of Section 1, Township 8 North, and Range 3 West.

Oklahoma Natural Gas Company does not object to the City of Norman issuing a permit for the purpose described above.

We do have a natural gas distribution main running across the south easement of the property and we have natural gas service lines in the area. Because of this, if any maintenance needs to be done to our main or service lines and it becomes necessary to have the storage building moved, all cost associated with the move and replacement will be incurred by the homeowner. We also request that the OKIE ONE CALL SYSTEM (840-5032 OR 1-800-522-6543) be contacted a minimum of forty-eight (48) hours before any excavation.

Should our facilities be damaged as a result of your installation, you and/or your contractor will be liable for any costs for repairs. These costs could include a cost calculation for gas loss should any occur.

Sincerely,

Brian Navarro
Operating Supervisor

625 N. Berry Road • Norman, OK 73069-7541
(405) 366-2407 • Fax (405) 366-2440
www.ong.com

City of Norman, OK

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: EN-1213-8

File ID:	EN-1213-8	**Type:**	Encroachment	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 18	**In Control:**	City Council
Department:	Legal Department	**Cost:**		**File Created:**	03/12/2013
File Name:	Encroachment for 2101 Brookhaven Blvd			**Final Action:**	

Title: CONSIDERATION OF CONSENT TO ENCROACHMENT NO. EN-1213-8 FOR LOT 3, BLOCK 3, BROOKHAVEN NO. 40 ADDITION, NORMAN, CLEVELAND COUNTY. (2101 BROOKHAVEN BOULEVARD)

Notes: ACTION NEEDED: Motion to approve or reject Consent to Encroachment No. EN-1213-8; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Agenda Date: 03/26/2013

Agenda Number: 18

Attachments: Text File Brookhaven Encroachment, Memo City Clerk Brookhaven, Letter of Request Brookhaven, Consent EN-1213-8, Memo from Utilities Brookhaven, Public Works Memo, Planning Memo, Letters of Approval from Various Utilities

Project Manager: Leah Messner, Assistant City Attorney

Entered by: denise.johnson@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File EN-1213-8

Body

BACKGROUND: An encroachment request has been filed in the office of the City Clerk by M. Kaiser Aziz for Gemini Development Corporation requesting a Consent to Encroach into a 7.5' water line easement and 10' utility and drainage easement at the above-described property.

DISCUSSION: The application for a Consent to Encroach concerns the encroachment upon City of Norman easements for a 13' (thirteen foot) driveway at the above requested address.

Staff has reviewed the application and the "hold harmless" clause. From a legal perspective, it protects the City's concerns with respect to damage to the property owner's property should the City or other authorized entity be required to perform work within its easements.

The benefit to having a consent to encroach on file is that it is evidence of the property owners' understanding that, while the City is allowing them to encroach upon the easements, the City is not liable and will not be responsible for damage to the property owners' property in the event such maintenance has to be performed within the easement.

STAFF RECOMMENDATION: Based upon the above and foregoing, the City Attorney's office is forwarding the above Consent to Encroach for Council consideration.

office memorandum

DATE: February 5, 2013

TO: Jeff Bryant, City Attorney
Rone Tromble, Administrative Technician IV
Ken Danner, Subdivision Manager
Ken Komiske, Director of Utilities
Jane Hudson, Principal Planner

FROM: Brenda Hall, City Clerk BH

SUBJECT: Request Consent to Encroachment No. 1213-8

I am in receipt of an encroachment request for permission to encroach on a ten foot utility easement in Lot 3, Block 3, Brookhaven Addition, Section 40, to construct a driveway. I am forwarding the letter of request and site plan. After the information has been received from the Planning Department, Public Works Department, and Utilities Department and a determination has been made on whether to recommend approval or denial, please forward your recommendation and Consent to Encroachment Form, if needed, to my office in order that it may be scheduled as an agenda item.

This item will be scheduled as an agenda item on March 26, 2013, and the information must be received in my office by March 11, 2013. If there is a problem in meeting that timeframe, please advise.

smr
attachments

The City of Norman
201 West Street
Norman,Oklahoma
73070

2-5 '13

Re: Consent To Encroach.

Dear Sir/Madam

Enclosed please find a plot plan of 2101Brookhaven Boulevard of Brookhaven#40,
A platted Subdivision of Cleveland County in the City of Norman.
We would appreciate your consent to encroach to encroach the 10'U/E (utility easement)
To install a 13' (thirteen feet) wide driveway for the proposed residence at the the above address.
Owing to the peculiar shape of the lot and also being the corner lot with 25'B/L on one Side and 20' B/L on another side, it has become very restrictive to persue the proposed Project without your consent to encroach the above easement for the driveway.
The property owner/applicant shall be responsible for any repair needed on the driveway, if access is required by any utility service provider.
We thank you for your consideration and cooperation in the above matter.

Gemini Development Corp
3700 Hiddenhill Road
Norman,Oklahoma,73072
Phone:360 2724/361 2724

Sincerely,

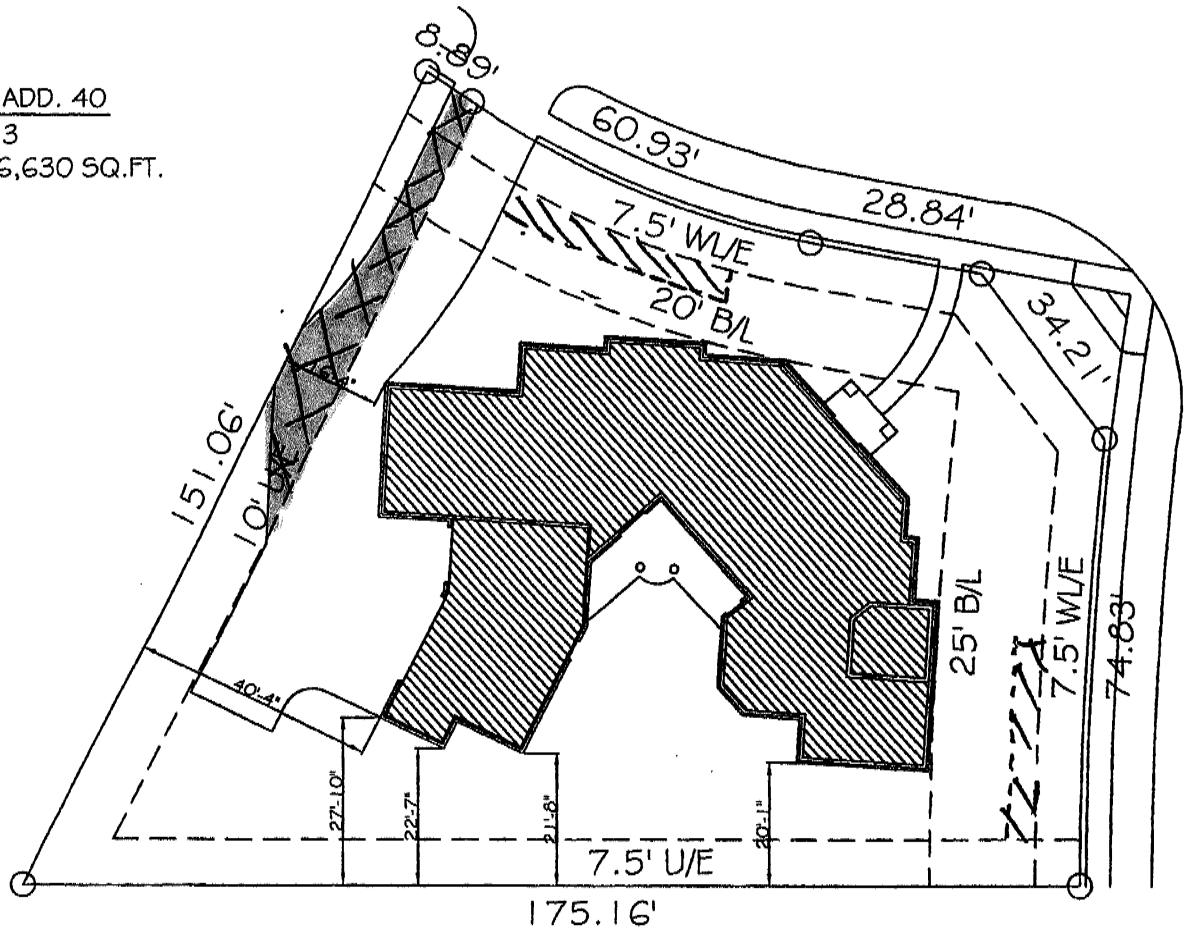
M.Kaiser Aziz

FILED IN THE OFFICE
OF THE CITY CLERK
ON 2/5/13

SCALE: 1"=30'

HOUSE: 3,458 SQ.FT.
GARAGE: 920 SQ.FT.
PORCHES: 316 SQ.FT.
CONCRETE: 2,413 SQ.FT.
COVERAGE: 7,107 SQ.FT.

BROOKHAVEN ADD. 40
LOT 3, BLOCK 3
LAND AREA: 16,630 SQ.FT.



2101 BROOKHAVEN BLVD.

11/1/11 - 7 Trees Per City Ordinance

Preferred Plans, Inc. makes no claims and assumes no liabilities as to the accuracy and or completeness, including but not limited to all dimensions, locations, setbacks, sideyards, backyards or easements whether shown or not shown on this plot. Anyone using this plot must verify its accuracy and completeness in all regards including any and all code requirements and compliances.

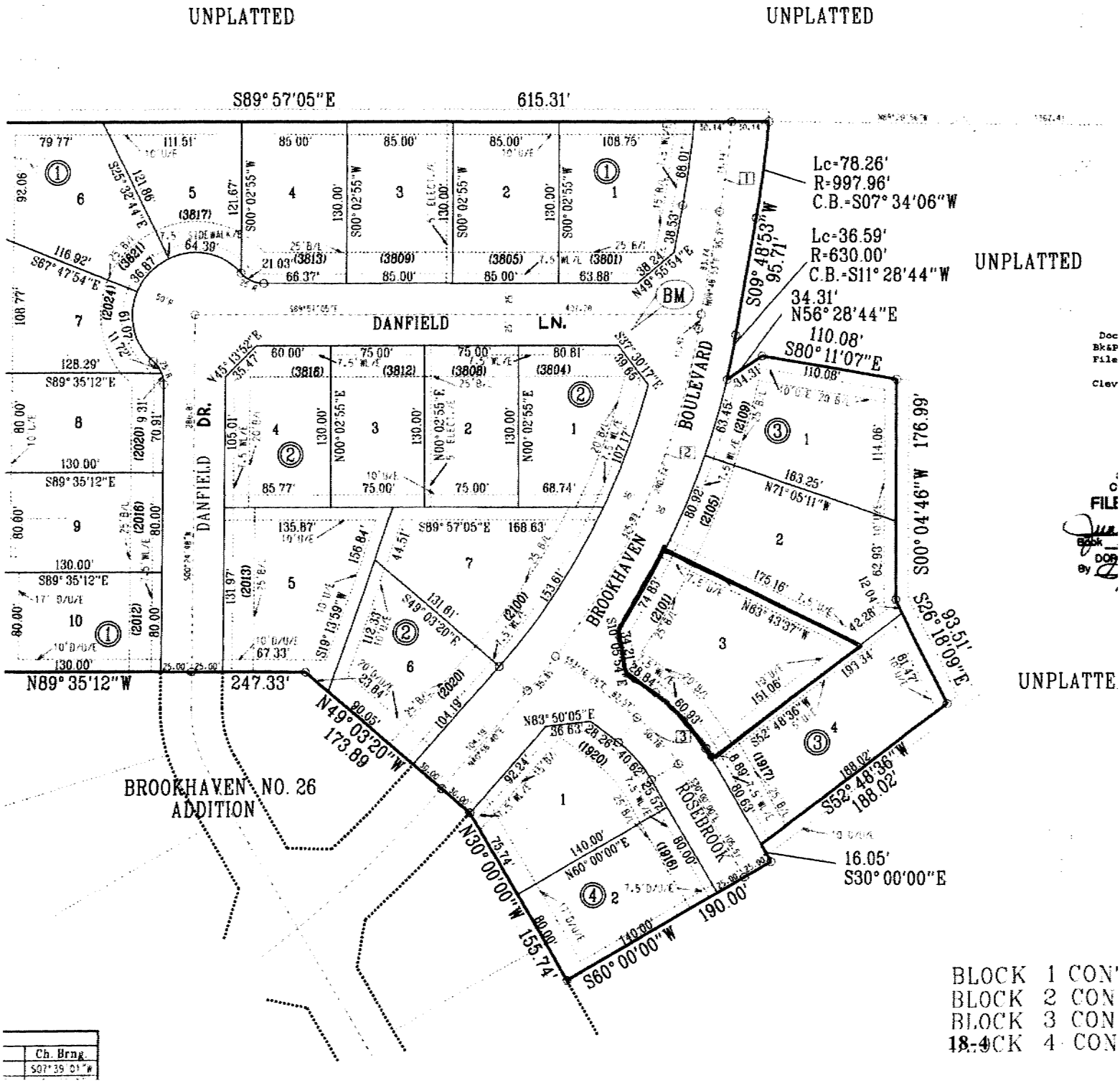
DATE: 12/21/2011
SCALE: 1"=20'

© COPYRIGHT 2000 PREFERRED PLANS, INC.

PREFERRED PLANS, INC.
2600 VAN BUREN, STE. 2602
NORMAN, OK 73072
(405) 447-8989

PLOT PLAN
1

FINAL PLAT
BROOKHAVEN NO
ADDITION
A PART OF THE NE/4, SEC. 22, T9N-R3
NORMAN, CLEVELAND COUNTY, OKLAHOMA



BLOCK 1 CON
BLOCK 2 CON
BLOCK 3 CON
BLOCK 4 CON

	Ch. Brng.
	S07°39'01"W

CONSENT

Consent to Encroachment No. 1213-8

WHEREAS, the City of Norman, Cleveland County, is in possession of 7.5' water line easement and 10' utility and drainage easement easement on the land described as follows, to-wit:

Lot 3, Block 3, Brookhaven Addition, Section 40, Cleveland County, Oklahoma a/k/a 2101 Brookhaven Boulevard,

AND WHEREAS, the owner of the above-described property requests that a driveway be allowed to encroach upon the existing 7.5' water line easement and 10' utility and drainage easement;

AND WHEREAS, the City has been requested to consent in writing for a driveway be installed at the requested location;

NOW, THEREFORE, the City of Norman does hereby consent to said driveway being within and upon the 7.5' water line easement and 10' utility and drainage easement with the following conditions:

1. The property owner be responsible for the cost of repairs for any damages to the City's 7.5' water line easement and 10' utility and drainage easement caused by any excavation or other construction activities conducted on their behalf; and

2. The property owner will be responsible for the cost the City incurs to remove any or all of the driveway, if needed, to facilitate maintenance or repair of the City's easement; and

3. The property owner will be responsible for the cost to repair or replace any or all of that portion of the driveway for such repairs.

4. The property owner waives and releases any claims against the City for any damages to any or all of the portion of the driveway caused by any excavation by the City for purposes of maintaining or replacing the City's facilities within the easement areas.

5. By encroaching on said 7.5' water line easement and 10' utility and drainage easement, the property owner releases Oklahoma Electric Cooperative, Oklahoma Gas & Electric, Oklahoma Natural Gas, AT&T Southwest, and/or Cox Communications, Inc. of responsibility to repair, rebuild, or maintain any portion of the encroaching driveway.

6. Damages to Oklahoma Electric Cooperative, Oklahoma Gas & Electric, Oklahoma Natural Gas, AT&T Southwest, or Cox Communications, Inc. facilities resultant from any current/future construction may carry possible financial charges to the property owner.

The consent is limited to the driveway as indicated in the application being located on the 7.5' water line easement and 10' utility and drainage easement, and the City does not authorize or consent to the construction or location of any other structure(s) of a permanent nature within the easement. Further, this Consent is given with the understanding that the property owner is responsible for any and all direct and consequential damages resulting from the granting of this consent with entry to or upon the existing easement as required at any time in the future.

The City, or any other entity so authorized, shall not be held responsible for any and all direct or consequential damages to encroaching improvements resulting from entry, by the City or any other entity so authorized, upon said utility easement, for any purpose associated with the maintenance, construction, relocation, etc. of any utility located within the said easement.

IN WITNESS WHEREOF, the undersigned has executed this consent this ____ day of March, 2013.

THE CITY OF NORMAN, OKLAHOMA

_____
Mayor

ATTEST:

_____
City Clerk

On this _____ day of March, 2013, before me personally appeared _____ and _____, to me to be known to be the identical persons who executed the same as their free and voluntary act and deed of such municipal corporation, for the uses and purposes therein set forth.

Witness my hand and official seal the day and year last above written.

_____
Notary Public

My Commission Expires:

_____

OWNER:
Gemini Development Corp.

By: _____
M. Kaiser Aziz

On this ____ day of March, 2013, before me personally appeared _____ to me to be known to be the identical person(s) who executed the same as his/her free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and official seal the day and year last above written.

_____
Notary Public

My Commission Expires: _____

The City of Norman
Post Office Box 370
Norman, OK 73070

office memorandum

Date: March 6, 2013

To: Brenda Hall, City Clerk

From: Jim Speck, Capital Projects Engineer JS

Re: Consent to Encroach 1213-8
Lot 3, Block 3, Brookhaven, Section 40
(2101 Brookhaven Blvd)

The lot located at 2101 Brookhaven Blvd (Lot 3, Block 3, Brookhaven, Section 40) has a platted 10-foot wide utility easement along the eastern boundary and a 7.5 waterline easement along the southern boundary. The owner requests construction of a driveway on a portion of the 7.5-foot waterline easement and a significant portion of the 10-foot utility easement. Currently, there is an 8-inch water line located within the 7.5 platted waterline easement located along the street. No City utilities are located within the 10-foot utility easement.

The Utilities Department objects to all encroachments on utility easements unless the applicant agrees to certain requirements being filed of record on the consent document. A recommendation to approve is forwarded for construction of a driveway only within the U/E provided the applicant agrees to the following:

1. The property owner will be responsible for the cost to repair any damages to the City's utilities caused by any excavation, piering or other construction activities conducted by the property owner or his agents.
2. The property owner will be responsible for the cost the City incurs to remove any driveway, fence, curb, landscaping, building, and any other structure if needed to facilitate maintenance or repair of the City's utilities.
3. The property owner will be responsible for the cost to repair or replace any driveway, fence, curb, or any other structure after such repairs.
4. The property owner will waive and release any claims against the City for any damages to the residence and related improvements caused by a failure or repair and maintenance of the City's utilities within the easement area.

The Utilities Department can approve the encroachment application if the above requirements are filed of record on the consent document. Please advise if you have any questions.

Cc: Jeff Bryant
Ken Danner
Ken Komiske
Mark Daniels
David Hager

office memorandum

DATE: March 6, 2013

TO: Leah Messner, Assistant City Attorney

FROM: Jane Hudson, Principal Planner

SUBJECT: Consent to Encroach - EN-1213-8
Lot 3, Block 3, Brookhaven Addition, Section 40
2101 Brookhaven Boulevard

Planning and Community Development Staff does not oppose the proposed drive encroaching into the 10' utility easement platted for this lot.

The submitted request, as noted on the site plan, does not violate any building setback or coverage requirement within the Zoning Ordinance.

Since there are no zoning violations associated with the consent to encroach request, Planning Staff is not opposed to this request.

Reviewed by: Susan Connors, AICP SFC
Director of Planning and Community Development

cc: Brenda Hall, City Clerk

office memorandum

Date: March 6, 2013

To: Leah Messner, Assistant City Attorney

From: Ken Danner, Subdivision Development Manager KD.

Subject: Consent to Encroach
Lot 3, Block 3, Brookhaven No. 40 Addition
2101 Brookhaven Boulevard

Public Works Department, Engineering Division does not object to the encroachment of a proposed driveway onto a 7.5' water line easement and 10' utility easement as long as there is a hold harmless clause in the consent document that clearly states replacement of the driveway will be at the total expense of the property owner if maintenance has to performed on any existing utilities. The proposed drive will be off of the local (minor) street of Rosebrook.

Responses from the utility companies are attached.

It should be noted that the consent to encroach should include the encroachment of the 7.5' water line easement.

If you have further questions, please feel free to contact me.

Reviewed by: Scott Sturtz, City Engineer SES
Shawn O'Leary, Director of Public Works

cc: Brenda Hall, City Clerk
Ken Komiske, Director of Utilities

Charles Truesdell
Manager – Engineering Design
300 S Broadway St, 111E
Moore, OK 73160

T: 405.291-1171
F: 405.228-3464
Ct2329@att.com

March 7, 2013

To whom it may concern,

RE: Consent to encroach No. 1213-8, received on 3/6/2013.

AT&T, Engineering/Construction has no objection to granting this consent to encroach, as depicted and described in your request.

AT&T has buried facilities in this area. It is your responsibility to get locates and you are still responsible for any cable that might be underground.

All conditions for calling OKIE-ONE (1-800-522-OKIE) to have facility locations marked are still in effect to protect our telephone facilities. Any damages, exposing of facilities, and/or relocating or lowering/raising facilities will be at your liability/cost or the contractor doing the work.

If and when AT&T requires access to this easement, any removal/damages to the improvements made in this easement will be the property owners responsibility.

If there are any questions concerning this matter, please call me at 405-291-1171.

Sincerely,
Charles Truesdell
Manager, Engineering & Design
AT&T Engineering/Construction

Drew Norlin

From: Thad Peterson <TPeterson@okcoop.org>
Sent: Friday, February 08, 2013 7:31 AM
To: Ken Danner
Cc: Drew Norlin
Subject: FW: Lot 3, Block 3, Brookhaven No. 40--a/k/a 2101 Brookhaven Blvd.--Consent to Encroach No. 1213-8
Attachments: 1849_001.pdf.pdf; Excerpt from Brookhaven No. 40 Add.jpg

Follow Up Flag: Follow up
Flag Status: Completed

Ken, OEC has No Objection to the attached encroachment request.

Thanks,
Thad

OEC
OKLAHOMA ELECTRIC COOPERATIVE
Your Touchstone Energy® Partner
The power of human connections®

Thad Peterson
Manager of Engineering Services
Oklahoma Electric Cooperative
2520 Hemphill Dr.
PO Box 1208
Norman, OK 73070
Email: tpeterson@okcoop.org
Phone: 405-217-6625
Fax: 405-217-6933

From: Drew Norlin [mailto:Drew.Norlin@NormanOK.gov]
Sent: Thursday, February 07, 2013 12:21 PM
To: 'baileytj@oge.com'; 'HAYES, TERRI L (tn0418@att.com)'; Jim Speck; 'jsullivan@oneok.com'; 'Randy F. Harrell'; Thad Peterson; JODIE FINNEY
Cc: Ken Danner
Subject: Lot 3, Block 3, Brookhaven No. 40--a/k/a 2101 Brookhaven Blvd.--Consent to Encroach No. 1213-8

To All

Please contact Ken Danner regarding this consent to encroach a 10' utility easement with a driveway per the attached drawing with your approval or disapproval as soon as possible. His email address is ken.danner@NormanOK.gov or call him at 366-5458. Please carbon copy me also.

Thanks
Drew Norlin, Assistant Development Coordinator
City of Norman Engineering /Public Works
(405) 366-5459 phone
(405) 366-5418 fax
Drew.norlin@ci.norman.ok.us

OG&E

PO Box 321
Oklahoma City, Oklahoma 73101-0321

FEBRUARY 8, 2013

KEN DANNER, DEVELOPMENT COORDINATOR
NORMAN PLANNING COMMISSION
P. O. BOX 370
NORMAN, OK. 73070

RE: **Applicant: Gemini Development Corp**
Consent to encroach in utility easements
Lot 3, Block 3, Brookhaven No. 40 Addition
2101 Brookhaven Blvd.
Encroachment No. 1213-8

Mr. Danner;

Available records show OG&E Electric Services has underground facilities (a pedestal) at the northeast corner of the above mentioned lot. This pedestal is located in the platted 10' utility easement, the applicant is requesting to encroach. OG&E does not object to the encroachment, if the developer agrees to only pave the portion as indicated on their drawing, and not the whole length of the utility easement.

If you should have any other questions, please contact me at 553-5174.

Sincerely,

Timothy J. Bailey
Right-Of-Way Agent

February 11, 2013

Gemini Development Corp.
3700 Hiddenhill Road
Norman, Oklahoma 73072

Attn: Ken Danner, Subdivision Manager

RE: Concent to Encroachment No. 1213-8

To Whom It May Concern:

Cox Communications, has no objection to the City of Norman, granting a revocable permit to erect, construct, and maintain and install new driveway to encroach the utility easements located at 2101 Brookhaven Boulevard of Brookhaven #40, a platted Subdivision of Cleveland County in the City of Norman, to be installed in, on, over, under, or on a portion of the public right of way or utility easements.

Prior to beginning any digging and/ or trenching activities, please call OKIE-ONE 1-800-522-6543 for exact location of our facilities. Cost to repair ANY Cox Communications facility damage caused during construction of this project will be the responsibility of the damaging party. If any future repairs are necessary Cox Communications is not responsible for any damages to any structures placed on or in the utility easements.

If you have any question or concerns, please feel free to contact our office at (405) 600-6336 or email CCIOKC-OklahomaDesign@cox.com.

Sincerely,

Jodie Finney

Jodie Finney
Construction Service Support Specialist II
Network Services

OKLAHOMA NATURAL GAS

A DIVISION OF ONEOK

February 13th, 2013

Mr. M. Kaiser Aziz
Gemini Development Corp.
3700 Hiddenhill Road
Norman, OK 73072

Attn: Brenda Hall, City Clerk
Jeff Bryant, City Attorney
Doug Koscinski, Current Planning Manager
Ken Danner, Development Coordinator
Ken Komiske, Director of Utilities

Dear Mr. Armstrong,

LETTER OF NO OBJECTION FOR A REVOCABLE PERMIT

THIS REQUEST IS FOR THE PROPOSED CONSTRUCTION OF A DRIVEWAY TO BE INSTALLED ON THE SOUTH EAST SIDE OF THE PROPERTY. THE DRIVEWAY WILL ENROACH THE 10' UTILITY EASEMENT LOCATED AT 2101 BROOKHAVEN BOULEVARD, NORMAN, OKLAHOMA.

The legal description for 2101 Brookhaven Boulevard is Lot 3, Block 3, Brookhaven Addition, Section 40 being a part of the NE ¼ Sec 22, T9N-R3W, Norman, Cleveland County, Oklahoma.

Oklahoma Natural Gas Company does not object to the city of Norman issuing a permit for the purpose described above.

Because of the distribution lines in the area and a natural gas service line running along the South East side of the property, we request that the Okie One-Call System (840-5032 or 1-800-522-6543) be contacted a minimum of forty-eight (48) hours before any excavation. Should our facilities be damaged as a result of your installation, you and/or your contractor will be liable for any costs for repairs. These costs could include a cost calculation for gas loss should any occur. Also, Oklahoma Natural Gas Company will not be responsible for any costs for repairs to the driveway should it be damaged in the course of operations or maintenance on our facilities.

Sincerely,

Brian Navarro
Operations Supervisor

625 N. Berry Road • Norman, OK 73069-7541
(405) 366-2407 • Fax (405) 366-2440
www.ong.com

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: EN-1213-9

File ID:	EN-1213-9	**Type:**	Encroachment	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 19	**In Control:**	City Council
Department:	Legal Department	**Cost:**		**File Created:**	03/12/2013
File Name:	Encroachment for Healthplex			**Final Action:**	

Title: CONSIDERATION OF CONSENT TO ENCROACHMENT NO. EN-1213-9 FOR LOT 23, BLOCK 4, NRH MEDICAL PARK WEST ADDITION, SECTION 4, NORMAN, CLEVELAND COUNTY, OKLAHOMA. (3500 HEALTHPLEX PARKWAY)

Notes: ACTION NEEDED: Motion to approve or reject Consent to Encroachment No. EN-1213-9; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Agenda Date: 03/26/2013

Agenda Number: 19

Attachments: Text File Healthplex, Memo from Clerk 3500 Healthplex Parkway, Letter of Request Precision, Memo PW Healthplex, EN-1213-9, Memo from Utilities 3500 Healthplex, Memo from Planning Healthplex, Letters from Utility Companies Healthplex, AT&T No Objection Letter - 3500 healthplex

Project Manager: Leah Messner, Assistant City Attorney

Entered by: denise.johnson@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File EN-1213-9

Body

BACKGROUND: An encroachment request has been filed in the office of the City Clerk by Precision Builders and Villano Salim, LLC, requesting a Consent to Encroach into a 25' utility easement running east-west along the northern frontage which is coincident with the building line setback and drainage easement. The easement contains an 8" sewer main. The encroachment is for a building monument sign constructed 4.6 feet from the existing sewer main.

DISCUSSION: The application for a Consent to Encroach concerns the encroachment upon a City of Norman easement for a building monument sign on the northeast corner of Norman Regional Healthplex's property.

Staff has reviewed the application and the "hold harmless" clause. From a legal perspective, it protects the City's concerns with respect to damage to the property owner's property should the City or other authorized entity be required to perform work within its easements.

The benefit to having a consent to encroach on file is that it is evidence of the property owners' understanding that, while the City is allowing them to encroach upon the easements, the City is not liable and will not be responsible for damage to the property owners' property in the event such maintenance has to be performed within the easement.

STAFF RECOMMENDATION: Based upon the above and foregoing, the City Attorney's office is forwarding the above Consent to Encroach for Council consideration.

office memorandum

DATE: March 8, 2013

TO: Jeff Bryant, City Attorney
Rone Tromble, Administrative Technician IV
Ken Danner, Subdivision Manager
Ken Komiske, Director of Utilities
Jane Hudson, Principal Planner

FROM: Brenda Hall, City Clerk BH

SUBJECT: Request for Consent to Encroachment No. 1213-9

I am in receipt of an encroachment request for permission to encroach on a utility easement located on the northeast corner of property located at Norman Regional Hospital Healthplex, 3500 West Healthplex Parkway, for a sign that has already been erected. According to the Precision Builders, they did not realize a Consent to Encroachment was needed until after the sign was constructed. I am forwarding the letter of request; survey; site plan, sign dimensions; and letters from ONG, OG&E, and Cox Communications. The application fee has been paid. After the information has been received from the Planning Department, Public Works Department, and Utilities Department and a determination has been made on whether to recommend approval or denial, please forward your recommendation and Consent to Encroachment Form, if needed, to my office in order that it may be scheduled as an agenda item.

Precision Builders would like this item to be scheduled on the agenda on March 26, 2013, and states that Mr. Jim Speck Capital Projects Engineer, and Mr. Ken Danner, Subdivision Manager, have indicated there will be no problem meeting that timeframe. The information must be received in my office by March 11, 2013. If there is a problem in meeting that timeframe, please advise.

smr
attachments

PRECISION BUILDERS

March 8, 2013

City of Norman
201 West Gray, Bldg A
Norman, Oklahoma 73069

Attn.: Ken Danner
Development Coordinator

Reference: Utility Easement Encroachment Request
3500 Healthplex Parkway

Dear Mr. Danner,
Precision Builders and Villano Salim LLC request consent to encroach for the building monument sign at the NE corner of the project site. Please see attached drawings for location and information regarding the storm and sanitary sewer lines. I have also attached approvals from the utility companies located in the easement.

Please accept our $400.00 check and this letter as our request for the encroachment of reference.

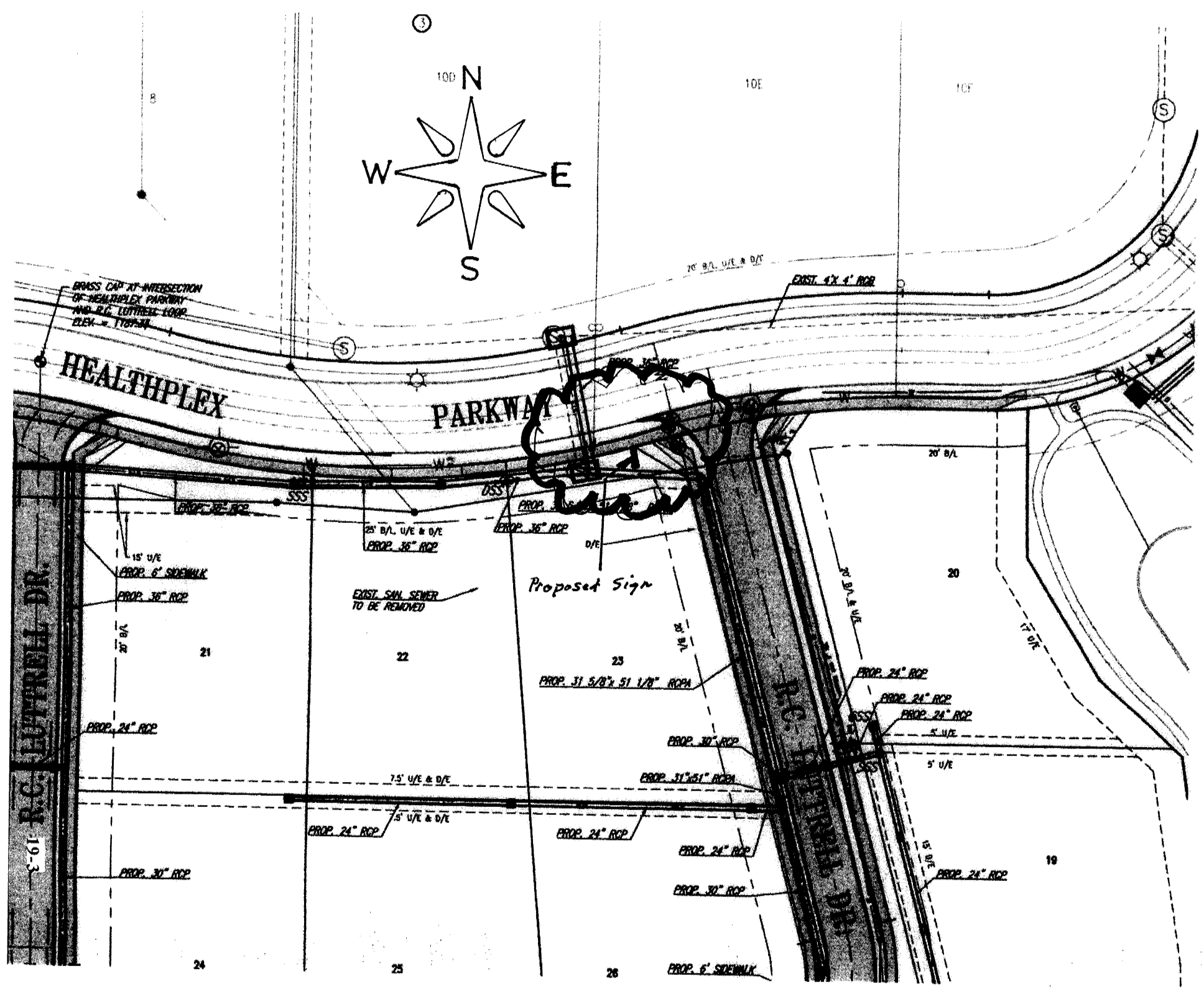
Sincerely,

Rick L. Byrd
Precision Builders

FILED IN THE OFFICE
OF THE CITY CLERK
ON 3-8-13

Cellular 405-250-7941

Attachments: Site plan – C10, Arch plan – A1.1 & A1.2, Sketch/Plan view of sign, Cox Communications, Inc. letter dated March 5, 2013, OG&E letter dated February 26, 2013 & Oklahoma Natural Gas letter dated February 28, 2013.


N
W
E
S
HEALTHPLEX
PARKWAY
R.C. LUTTRELL DR.
BRASS CAP AT INTERSECTION OF HEALTHPLEX PARKWAY AND R.C. LUTTRELL LOOP
EXIST. 4'X 4' RCB
PROP. 36" RCP
PROP. 6' SIDEWALK
EXIST. SAN. SEWER TO BE REMOVED
Proposed Sign
PROP. 31 5/8"x 51 1/8" RCPA
PROP. 24" RCP
PROP. 30" RCP
PROP. 31"x51" RCPA
7.5' U/E & D/E
15' U/E
25' B/L, U/E & D/E
20' B/L
20' B/L & U/E
17' D/E
5' U/E
15' D/E
20
21
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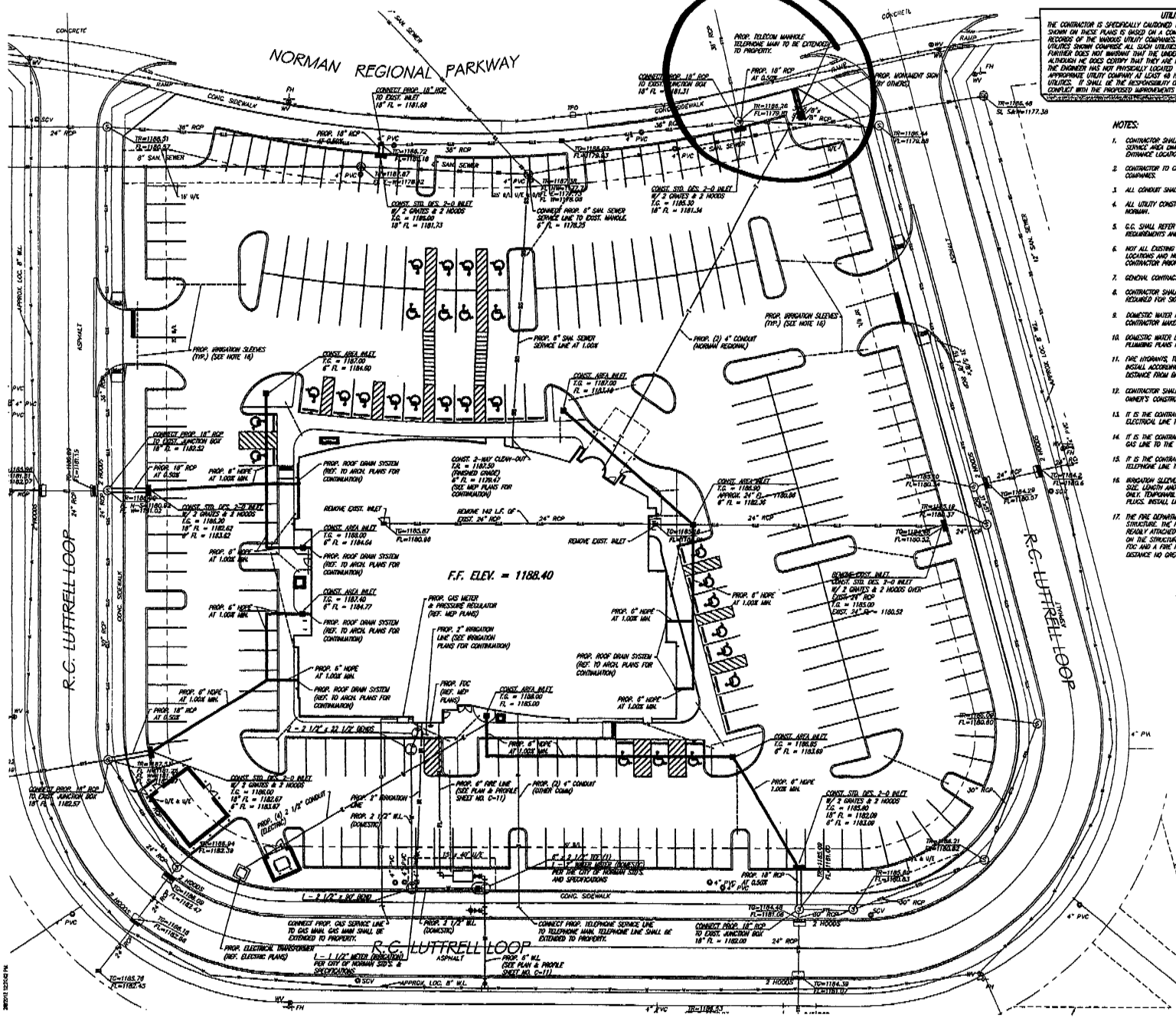


UTILITY STATEMENT & CAUTION:

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON A COMBINATION OF FIELD SURVEY INFORMATION, EXISTING DRAWINGS AND RECORDS OF THE VARIOUS UTILITY COMPANIES. THE ENGINEER MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE ENGINEER FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE ENGINEER HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

NOTES:

1. CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR PRECISE BUILDING DIMENSIONS, SERVICE AREA DIMENSIONS AND ELEVATIONS. REFERENCE M.E.P. FOR EXACT BUILDING UTILITY ENTRANCE LOCATIONS.
2. CONTRACTOR TO COORDINATE ALL UTILITY CONNECTIONS WITH LOCAL UTILITY SERVICE COMPANIES.
3. ALL CONDUIT SHALL BE SCH. 40 PVC, UNLESS NOTED OTHERWISE.
4. ALL UTILITY CONSTRUCTION TO MEET THE STANDARDS AND SPECIFICATIONS OF THE CITY OF NORMAN.
5. G.C. SHALL REFER TO ARCHITECTURAL PLANS FOR ALL SITE LIGHTING CONSTRUCTION DETAILS, REQUIREMENTS AND FINAL POLE LOCATIONS.
6. NOT ALL EXISTING UNDERGROUND UTILITIES MAY BE SHOWN ON THIS PLAN. THE EXACT LOCATIONS AND NOTIFICATIONS OF THE PROPER AGENCY ARE THE RESPONSIBILITY OF THE CONTRACTOR PRIOR TO ANY EXCAVATION.
7. GENERAL CONTRACTOR TO INSTALL THE GAS LINE FROM THE METER TO THE GAS MAIN.
8. CONTRACTOR SHALL EXTEND ELECTRICAL CONDUITS AND WIRING TO DIRECTIONAL SIGNS AS REQUIRED FOR SIGN LIGHTING.
9. DOMESTIC WATER METER TO BE INSTALLED BY THE CITY OF NORMAN. OWNER'S GENERAL CONTRACTOR MAKES TAPS AND PURCHASES METERS.
10. DOMESTIC WATER BACKFLOW PREVENTER TO BE INSTALLED INSIDE THE BUILDING. REFER TO PLUMBING PLANS FOR DETAILS.
11. FIRE HYDRANTS, TEES, VALVES, ETC. SHOWN OUT OF SCALE FOR CLARITY. CONTRACTOR TO INSTALL ACCORDING TO CITY OF NORMAN STANDARDS AND SPECIFICATIONS (I.E. ORIENTATION, DISTANCE FROM BACK OF CURB, ETC...).
12. CONTRACTOR SHALL COORDINATE THE CONSTRUCTION OF THE PROPOSED SIGN(S) WITH OWNER'S CONSTRUCTION MANAGER.
13. IT IS THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE THE EXTENSION OF THE PROPOSED ELECTRICAL LINE TO THE MAIN LINE WITH THE UTILITY COMPANY.
14. IT IS THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE THE EXTENSION OF THE PROPOSED GAS LINE TO THE MAIN LINE WITH THE GAS COMPANY.
15. IT IS THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE THE EXTENSION OF THE PROPOSED TELEPHONE LINE TO THE MAIN LINE WITH THE TELEPHONE COMPANY.
16. IRRIGATION SLEEVES: CONTRACTOR SHALL REFER TO IRRIGATION PLANS FOR EXACT LOCATION, SIZE, LENGTH AND DEPTH. IRRIGATION SLEEVES ARE SHOWN ON THIS SHEET FOR INFORMATION ONLY. TEMPORARILY PLUG BOTH ENDS. IRRIGATION CONTRACTOR WILL REMOVE TEMPORARY PLUGS, INSTALL LINES AND PROPERLY SEAL BOTH ENDS.
17. THE FIRE DEPARTMENT CONNECTION (FDC) SHALL BE LOCATED ON THE STREET SIDE OF ANY STRUCTURE. THE FDC SHALL BE LOCATED AND ARRANGED SO THAT THE HOSE LINES CAN BE READILY ATTACHED TO THE INLETS WITHOUT INTERFERENCE FROM OBJECTS. WHERE MOUNTED ON THE STRUCTURE'S FACADE, A DISTANCE NO GREATER THAN 100' SHALL BE BETWEEN THE FDC AND A FIRE HYDRANT. WHERE THEY ARE REMOTE FROM THE STRUCTURE SERVED, A DISTANCE NO GREATER THAN 50'.

LEGEND

B/L	BUILDING SETBACK LINE
FND	FOUND
GM	GAS METER
GV	GAS VALVE
GUY	GUY ANCHOR
I/P	IRON PIN
LP	LIGHT POLE
PP	POWER POLE
SSMH	SANITARY SEWER MANHOLE
TPED	TELEPHONE PEDESTAL
U/E	UTILITY EASEMENT
UE	UNDERGROUND ELECTRIC
UT	UNDERGROUND TELEPHONE
WL	WATERLINE
WV	WATER VALVE
WM	WATER METER
FH	FIRE HYDRANT
ICV	IRRIGATION CONTROL VALVE
EPED	ELECTRICAL PEDESTAL
630	EXISTING CONTOURS
	PROPERTY LINE
	SITE LIGHTING
	IRRIGATION SLEEVES

THE McKINNEY PARTNERSHIP
architects
3600 W. Main St
Suite 200
Norman, OK 73072
p 405.360.1400
f 405.364.8267
www.tmparch.com

19-4

NOT VALID FOR CONSTRUCTION UNLESS SIGNED IN THIS BLOCK

Heart Plaza
Norman Regional Health System
Healthplex Parkway

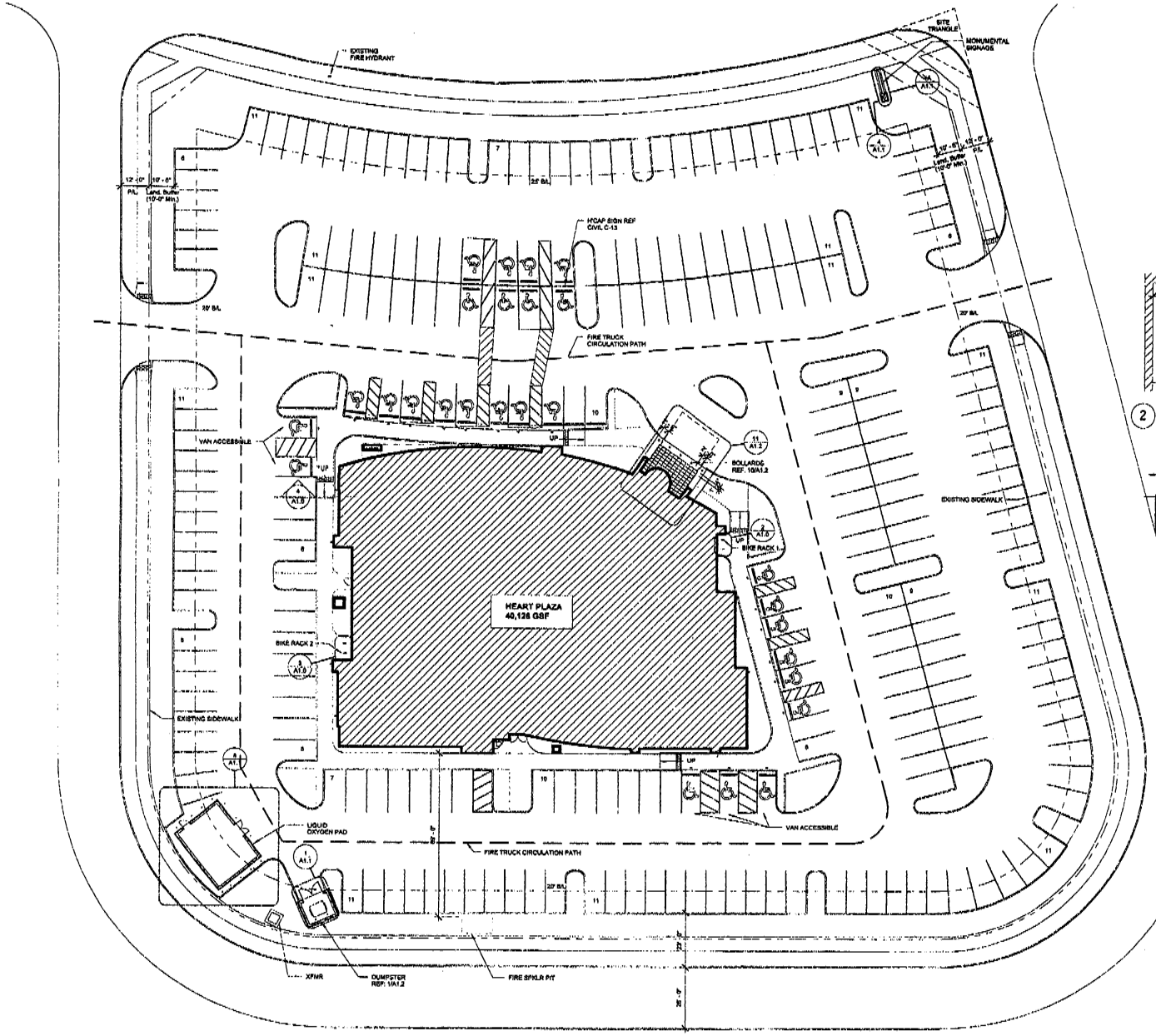
No.	Description	Date
1.	REVS. PER SITE PLAN	1/20/2011
2.	REVS. PER SITE PLAN	3/28/12

UTILITY PLAN

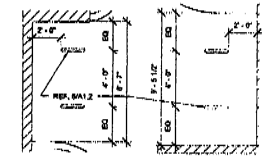
Project number	M0057511
Date	10/05/11
Drawn by	RWC
Checked by	CMM

C-10

SMC Consulting Engineers, P.C.
815 West Main • Oklahoma City, OK 73106
PH: 405-232-7715 Fax: 405-232-7899
CERTIFICATE OF AUTHORIZATION NO. CA 464 EXP 06/30/2013

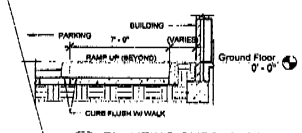


1 ARCHITECTURAL SITE PLAN
1" = 20'-0"



2 BIKE RACK 1
1/4" = 1'-0"

3 BIKE RACK 2
1/4" = 1'-0"



4 PLANTING CURB @ RAMP
1/4" = 1'-0"

GENERAL NOTES:

1. REFER ELECTRICAL FOR PARKING LOT LIGHTS AND DETAILS.
2. REFER CIVIL FOR SIDEWALK SECTION / JOINT DETAILS AND MISC. DETAILS.
3. REFER LANDSCAPING PLANS FOR CORRECT LANDSCAPING LAYOUT.

SITE TABULATIONS

1st Floor Gross:	19,764 SF
2nd Floor Gross:	20,372 SF
Total Gross:	40,126 SF

Parking Requested @ 1:150 = 268

Parking Shown:

Regular Parking:	218
HC Accessible:	22
HC Van Accessible:	6
Total Parking Spaces:	246

Required: 2 Bicycle Racks - per City of Norman standards

THE MCKINNEY PARTNERSHIP
architects
3600 W. Main St
Suite 200
Norman, OK 73072
p 405.360.1400
f 405.364.8287
www.tmparch.com

Heart Plaza
Norman Regional Health System
Medical Park West
3510 Healthplex Parkway

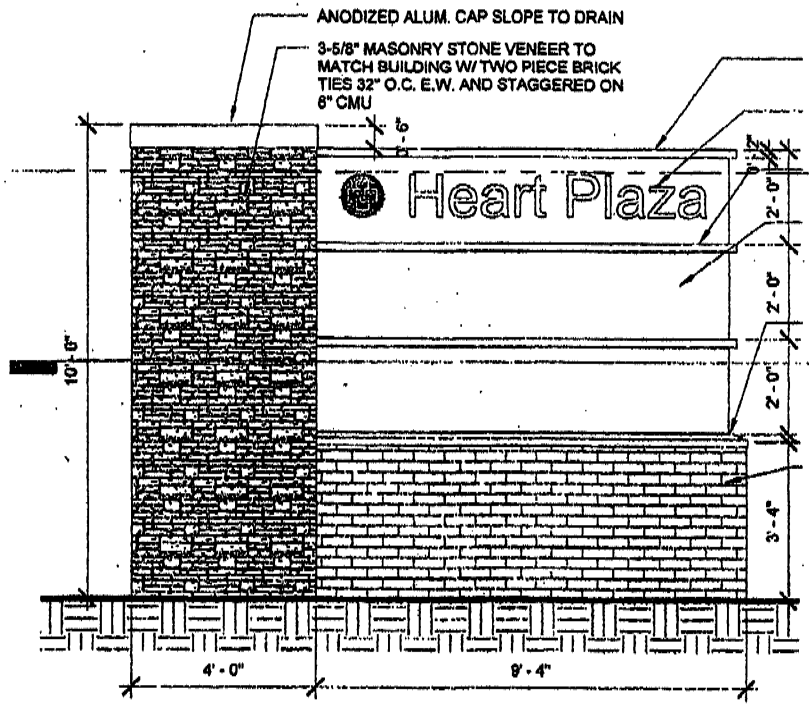
No.	Description	Date

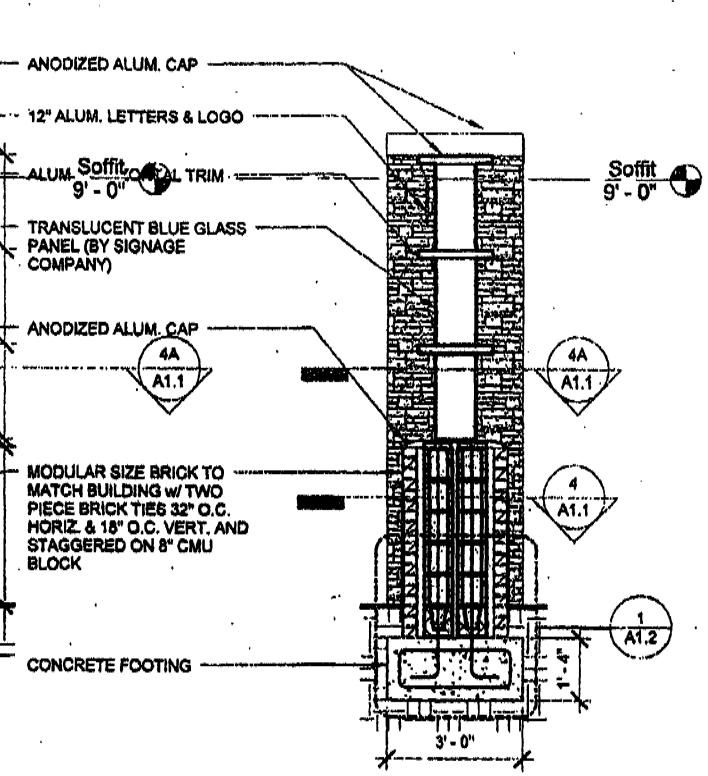
Architectural Site Plan

Project number MD057511
Date 02/7/2012
Drawn by
Checked by

A1.0

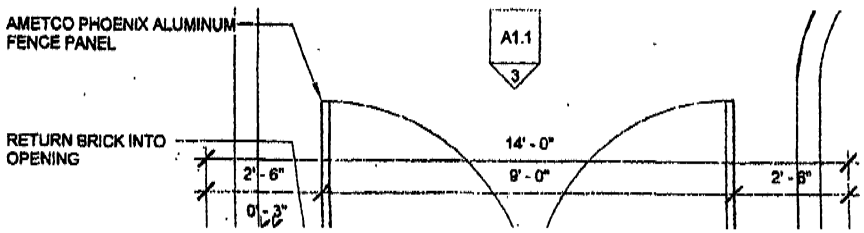
11 Liquid Oxygen Enclosure SW Elevation
3/8" = 1'-0"



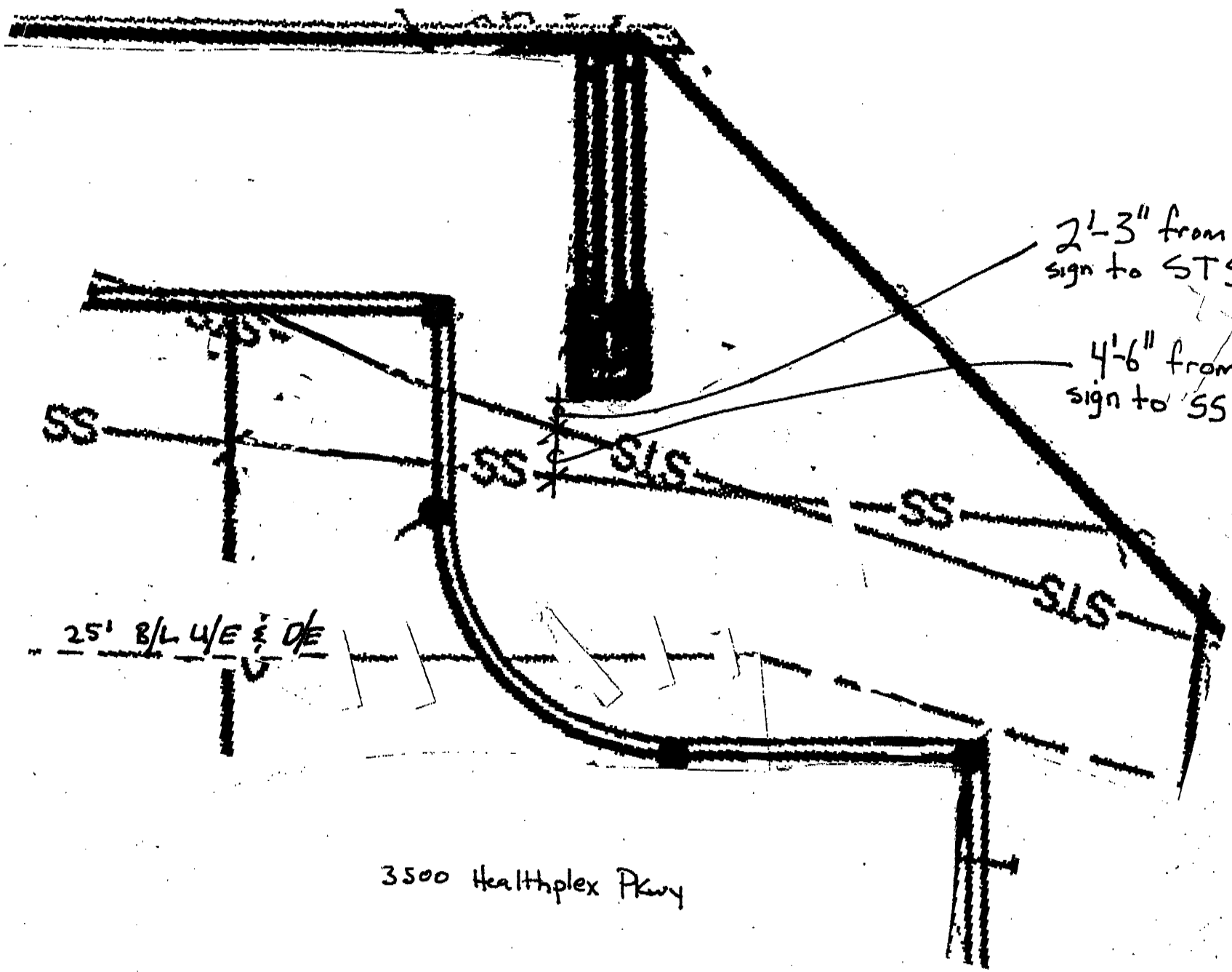


7 Monumental Signage Elevation
3/8" = 1'-0"

6 Monumental Signage Section
3/8" = 1'-0"



Heart Plaza


2'-3" from sign to STS
4'-6" from sign to SS
SS
SS
SLS
SS
SLS
25' B/L U/E & O/E
3500 Healthplex Pkwy

CONSENT
Consent to Encroachment No. 1213-9

WHEREAS, the City of Norman, Cleveland County, is in possession of 25' utility easement containing an 8" sewer main on the land described as follows, to-wit:

> Lot 23, Block 4, NRH Medical Park West, Section 4, Cleveland County, Oklahoma a/k/a 3500 West Healthplex Parkway

AND WHEREAS, the owner of the above-described property requests that a building monument sign be allowed to encroach upon the existing 25' utility easement containing an 8" sewer main;

AND WHEREAS, the City has been requested to consent in writing for a building monument sign be installed at the requested location;

NOW, THEREFORE, the City of Norman does hereby consent to said building monument sign being within and upon the 25' water line containing an 8" sewer main with the following conditions:

1. The property owner will at all times maintain the building monument sign no closer than 4.6' to the existing 8" sewer main.
2. The property owner be responsible for the cost of repairs for any damages to the City's 25' utility easement caused by any excavation or other construction activities conducted on their behalf; and
3. The property owner will be responsible for the cost the City incurs to remove any or all of the building monument sign, if needed, to facilitate maintenance or repair of the City's easement; and
4. The property owner will be responsible for the cost to repair or replace any or all of that portion of the building monument sign for such repairs.
5. The property owner waives and releases any claims against the City for any damages to any or all of the portion of the building monument sign caused by any excavation by the City for purposes of maintaining or replacing the City's facilities within the easement areas.
6. By encroaching on said 25' utility easement, the property owner releases Oklahoma Electric Cooperative, Oklahoma Gas & Electric, Oklahoma Natural Gas, AT&T Southwest, and/or Cox Communications, Inc. of responsibility to repair, rebuild, or maintain any portion of the encroaching driveway.
7. Damages to Oklahoma Electric Cooperative, Oklahoma Gas & Electric, Oklahoma Natural Gas, AT&T Southwest, or Cox Communications, Inc. facilities resultant from any current/future construction may carry possible financial charges to the property owner.

The consent is limited to the building monument sign as indicated in the application being located on the 25' utility easement, and the City does not authorize or consent to the construction or location of any other structure(s) of a permanent nature within the easement. Further, this Consent is given with the understanding that the property owner is responsible for any and all direct and consequential damages resulting from the granting of this consent with entry to or upon the existing easement as required at any time in the future.

The City, or any other entity so authorized, shall not be held responsible for any and all direct or consequential damages to encroaching improvements resulting from entry, by the City or any other entity so authorized, upon said utility easement, for any purpose associated with the maintenance, construction, relocation, etc. of any utility located within the said easement.

IN WITNESS WHEREOF, the undersigned has executed this consent this ____ day of March, 2013.

THE CITY OF NORMAN, OKLAHOMA

_____
Mayor

ATTEST:

_____
City Clerk

On this _____ day of March, 2013, before me personally appeared _____ and _____, to me to be known to be the identical persons who executed the same as their free and voluntary act and deed of such municipal corporation, for the uses and purposes therein set forth.

Witness my hand and official seal the day and year last above written.

_____
Notary Public

My Commission Expires:

_____

OWNER:
Villano Salina, LLC

By: _____
Sassan Moghadam

On this 14th day of March, 2013, before me personally appeared SASSAN MOGHADAM to me to be known to be the identical person(s) who executed the same as his/her free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and official seal the day and year last above written.

_____
Notary Public

My Commission Expires: _____

NOTARY PUBLIC SEAL STATE OF OKLAHOMA
OFFICIAL SEAL
LOU ELLEN USRY
Commission #00006975
Expires May 21, 2016

The City of Norman
Post Office Box 370
Norman, OK 73070

office memorandum

Date: March 11, 2013

To: Brenda Hall, City Clerk

From: Jim Speck, Capital Projects Engineer JS

Re: Consent to Encroach 1213-9
Lot 23, Block 4, NRH Medical Park West Section 4
(3500 West Healthplex Parkway)

Lot 23, Block 4, NRH Medical Park West Section 4 (3500 West Healthplex Parkway) has a platted 25-foot utility easement (U/E) running east-west along the northern frontage which is coincident with the building line setback and a drainage easement. The owner has installed a sign within this easement and has requested a Consent to Encroach for the sign.

Currently, there is an 8-inch sewer main located within the U/E. The owner states the sign is constructed 4.6 feet from the existing sewer main.

The Utilities Department objects to all encroachments on utility easements unless the applicant agrees to certain requirements being filed of record on the property deed. A recommendation to approve is forwarded only when the applicant agrees to the following:

1. The property owner will be responsible for the cost to repair any damages to the City's utilities caused by any excavation, or other construction activities conducted by the property owner or his agents.
2. The property owner will be responsible for the cost the City incurs to remove the sign and any other structure if needed to facilitate maintenance or repair of the City's utilities.
3. The property owner will be responsible for the cost to repair the sign and any other structure after such repairs.
4. The property owner will waive and release any claims against the City for any damages to the related improvements caused by the City for purposes of maintaining or replacing the City's utilities within the easement area.

The Utilities Department can approve the encroachment application if the above requirements are filed of record on the consent document. Please advise if you have any questions.

Cc: Ken Danner
Ken Komiske
Mark Daniels
David Hager

office memorandum

DATE: March 11, 2013

TO: Leah Messner, Assistant City Attorney

FROM: Jane Hudson, Principal Planner

SUBJECT: Consent to Encroach - EN-1213-9
Lot 22A, Block 5, Norman Medical Park West PUD
3500 West Healthplex Parkway

The sign for this medical facility is located in the Norman Medical Park West PUD. The sign contractor installed the sign before realizing the sign was not approved as part of the PUD. The applicant has submitted an application for the sign and everything regarding the Sign Code has been addressed.

Planning and Community Development staff does not oppose the sign encroaching on a utility easement. The sign location is in a landscape island, close to the street for easy identification.

If you have further questions, please feel free to contact me.

Reviewed by: Susan Connors, AICP
Director of Planning and Community Development

cc: Brenda Hall, City Clerk

office memorandum

Date: March 11, 2013

To: Leah Messner, Assistant City Attorney

From: Ken Danner, Subdivision Development Manager KD

Subject: Consent to Encroach
Lots 21 through 26, Block 5, N.R.H. Medical Park West Addition, Section 4, a Planned Unit Development
Lot Line Adjustment No. 1438; Lot 22A, Block 5, N.R.H. Medical Park West Section 4, a Planned Unit Development
3500 Healthplex Parkway

Public Works Department, Engineering Division does not object to the encroachment of a proposed sign upon a 25' drainage and utility easement within Lot 22A, Block 5, N.R.H. Medical Park West Addition, Section 4, a Planned Unit Development as long as there is a hold harmless clause in the consent document that clearly states if damage occurs to the sign during street and roadside crews performing maintenance on an existing 31"x51" reinforced concrete arch pipe the City of Norman will not be held liable and repairs to the sign will be at the total expense of the property owner . The installation of the sign will be inspected and not allowed to damage any existing drainage structures. The drainage structure must be located prior to the installation of the sign. Staff will defer to the Utilities Department for their response regarding encroachments within the utility easement.

Utility companies were notified since this encroachment is located within a utility easement. Their responses have been obtained by the applicants.

If you have further questions, please feel free to contact me.

KD/tf

Reviewed by: Scott Sturtz, City Engineer
Reviewed by: Shawn O'Leary, Director of Public Works

cc: Brenda Hall, City Clerk
Ken Komiske, Director of Utilities
Greg Hall, Street Superintendent

PO Box 321
Oklahoma City, Oklahoma 73101-0321
405-553-3000
www.oge.com

OG&E

OG&E Electric Services
An OGE Energy Corp. Company

FEBRUARY 26, 2013

PRECISION BUILDERS, INC.
ATTN: RICK L. BYRD
221 48TH AVENUE NW
NORMAN, OK. 73072

DESCRIPTION OF WORK: **Construction of a Monument sign**
LEGALS OF WORK LOCATION: **3500 Healthplex Parkway**
Part of Block 5, NRH Medical Park West Section 4, Cleveland County

Mr. Byrd;

Your request for approval from Oklahoma Gas & Electric Company to allow the construction of a Monument sign for the Norman Regional Heart Plaza be built at the northeast corner of the above mentioned block, has been reviewed. Our records indicate OG&E has overhead facilities running along Healthplex Parkway. Care will need to be taken not to disturb our facilities. With this in mind, OG&E does not object to the proposed work, provided, the applicant abides by all of the city of Norman guidelines for the type of work to be done, and does the following:

1.) Notify "Call-Okie" at (405) 840-5032 at least 48 hours before digging to have all lines marked.
2.) If equipment is involved and is as high as the lowest OG&E overhead wire, approximately 18 feet, and it will be operating within 10 feet of our wire, you should call OG&E construction at 553-5143, to have wires covered.
3.) Call OG&E construction at 553-5143 two days before drilling and/or trenching closer than **eight feet to an OG&E utility pole, or five feet to an OG&E underground line.**
4.) OG&E would not be held responsible for damaging a private line in a (public/platted) easement.
5.) OG&E would need to be reimbursed for any damage to its facilities.
6.) OG&E would need to be reimbursed ahead of time for the cost of relocating any facilities.

Should local service be disrupted to any OG&E customer during the construction of the sign, you and your contractor for this project, will be responsible for any costs incurred by OG&E to restore service. Obtaining a permit from the city of Norman or beginning the above referenced work constitutes acceptance of the terms of this letter. If you have any questions, or if I can provide you with any other information, please contact me at (405) 553-5174.

Sincerely,

Timothy J. Bailey

Timothy J. Bailey
Right-Of-Way Agent

OKLAHOMA NATURAL GAS
A DIVISION OF ONEOK

February 28th, 2013

Mr. Rick L. Byrd
Precision Builders
221 48th Avenue NW
Norman, OK 73072

Dear Mr. Byrd:

LETTER OF NO OBJECTION FOR A REVOCABLE PERMIT

THIS REQUEST IS FOR A PROPOSED SIGN WHICH IS TO BE APPROXIMATELY 9' TALL AND 13' WIDE IN THE RIGHT-OF-WAY AT 3500 W. HEALTHPLEX PKWY, NORMAN, OK 73072

The legal description for 3500 W. Healthplex Pkwy located in the Norman Regional Hospital Medical Park is : NW ¼ of Section 14, Township 9 North, and Range 3 West.

We do have a natural gas distribution line and service lines in the area. Because of this, if any maintenance needs to be done to our main or service lines and it becomes necessary to have the sign moved, all cost associated with the move and replacement will be incurred by Precision Builders.

We have located a natural gas transmission line in the vicinity and it will be necessary for you to obtain a letter of no objection from the transmission department prior to any excavation.

We also request that the OKIE ONE CALL SYSTEM (840-5032 OR 1-800-522-6543) be contacted a minimum of forty-eight (48) hours before any excavation.

Should our facilities be damaged as a result of your installation, you and/or your contractor will be liable for any costs for repairs. These costs could include a cost calculation for gas loss should any occur.

Sincerely,

Brian Navarro
Operations Supervisor

401 North Harvey Avenue • Oklahoma City, Oklahoma 73102-3470
P.O. Box 401 • Oklahoma City, Oklahoma 73101-0401
(405) 551-6500
www.ong.com

RECEIVED
MAR 05 2013
By 19-13

March 5, 2013

Precision Builders
221 48th Avenue NW
Norman, Oklahoma 73072

Attn: Rick L. Byrd

RE: Request for Letter of No Objection for a revocable permit for a new sign for Norman Regional Heart Plaza, located at 3500 Healthplex Parkway, Norman Oklahoma.

To Whom It May Concern:

Cox Communications, has no objection to the City of Norman, granting a revocable permit to erect, construct, and maintain and install a new sign for Norman Regional Heart Plaza, located at 3500 Healthplex Parkway, Norman Oklahoma, to be installed in, on, over, under, or on a portion of the public right of way or utility easements.

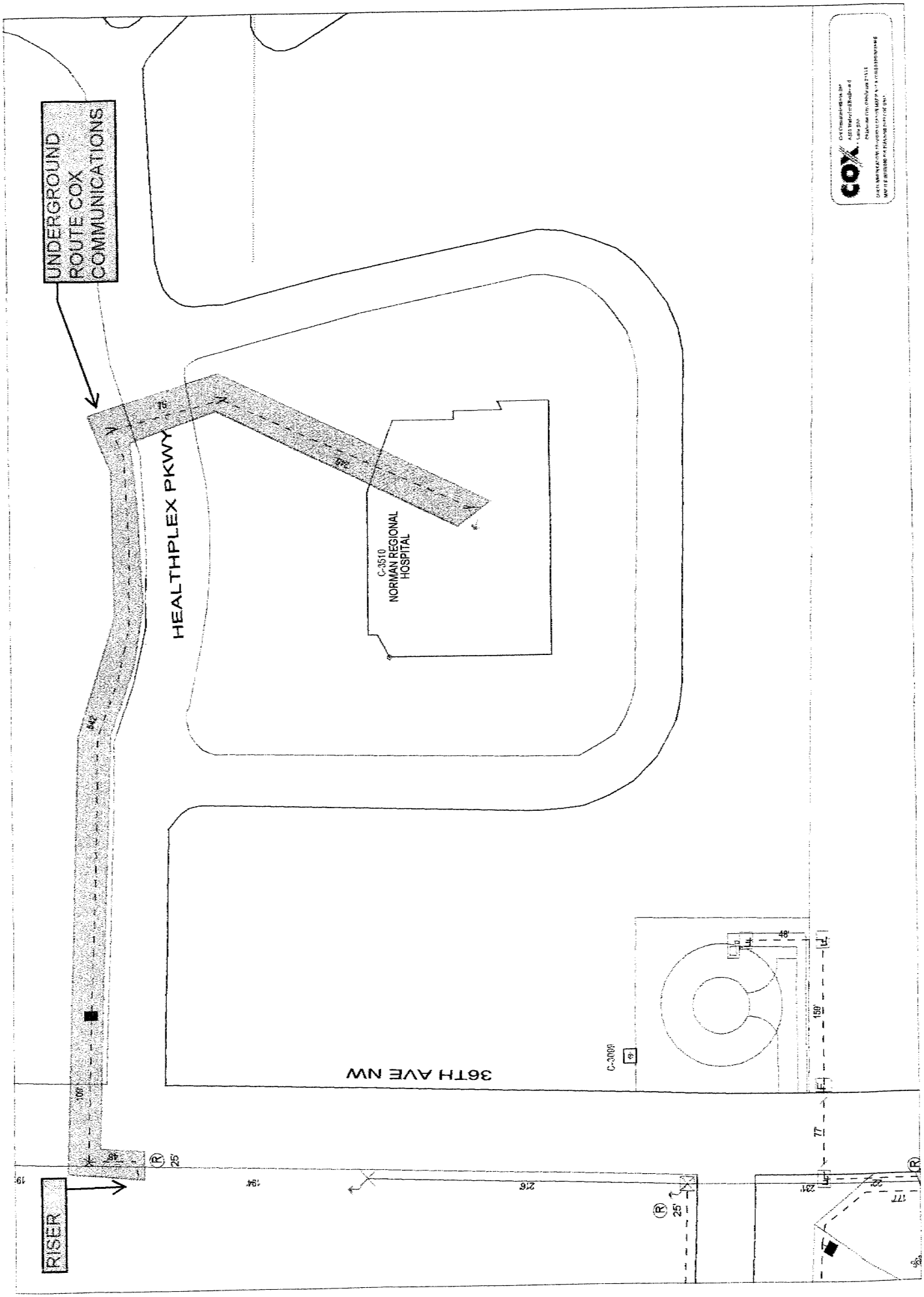
Prior to beginning any digging and/ or trenching activities, please call OKIE–ONE 1-800-522-6543 for exact location of our facilities. Cost to repair ANY Cox Communications facility damage caused during construction of this project will be the responsibility of the damaging party. If any future repairs are necessary Cox Communications is not responsible for any damages to any structures placed on or in the utility easements.

If you have any question or concerns, please feel free to contact our office at (405) 600-6336 or email CCIOKC-OklahomaDesign@cox.com.

Sincerely,

Jodie Finney

Jodie Finney
Construction Service Support Specialist II
Network Services


UNDERGROUND
ROUTE COX
COMMUNICATIONS
HEALTHPLEX PKWY
C-3510
NORMAN REGIONAL
HOSPITAL
36TH AVE NW
C-3099
RISER
COX

Charles Truesdell
Manager – Engineering Design
300 S Broadway St, 111E
Moore, OK 73160

T: 405.291-1171
F: 405.228-3464
Ct2329@att.com

3/12/2013

To Whom It May Concern,

RE: Request for Letter of No Objection VIA Email, received on March 12, 2013.

AT&T, Engineering/Construction has no objection to granting this revocable permit/letter of no objection to encroach and construct signage at 3500 Healthplex Pkwy, as depicted and described in your request.

It is your responsibility to get locates and you are still responsible for any cable that might be underground.

All conditions for calling OKIE-ONE (1-800-522-OKIE) for getting facility locations marked are still in effect to protect our telephone facilities. Any damages, exposing of facilities, and/or relocating or lowering/raising facilities will be at your liability/cost or the contractor doing the work.

If there are any questions concerning this matter, please call me at 405-291-1071.

Sincerely,
Charles Truesdell
Manager, Engineering & Design
AT&T Engineering/Construction

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: GID-1213-65

File ID:	GID-1213-65	**Type:**	Acceptance of Deed	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 20	**In Control:**	City Council
Department:	Parks and Recreation Department	**Cost:**		**File Created:**	03/13/2013
File Name:	Corrected Deed for Neighborhood Park in Highland			**Final Action:**	

Title: CONSIDERATION OF ACCEPTANCE OF A CORRECTED WARRANTY DEED FROM HIGHLAND HILLS, L.L.C., FOR PARK LAND SERVING THE HIGHLAND VILLAGE NEIGHBORHOOD.

Notes: ACTION NEEDED: Motion to approve or reject a corrected warranty deed from Highland Hills, L.L.C., for park land serving the Highland Village Neighborhood; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Agenda Date: 03/26/2013

Agenda Number: 20

Attachments: Text File Corrected Warranty Deed, Original Warranty Deed, Corrected Warranty Deed, Aerial Photo Highland Village, Highland Village Sketch

Project Manager: Jud Foster, Director of Parks and Recreation

Entered by: jayme.rowe@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File GID-1213-65

Body

BACKGROUND: The Norman City Council, on October 9, 2007, accepted a deed from Highland Hills, LLC for 8.18 acres, more or less, for dedication as a city park serving the Highland Village neighborhood. That deed and legal description are attached.

City Staff and Highland Hills, LLC have discovered that the final plat for Highland Hills Addition and the deed for the parkland have an area of overlap. A copy of the final plat is attached that depicts the area of overlap. In order to remove that area of overlap, Highland Hills LLC has submitted a corrected deed for City Council's review and acceptance.

DISCUSSION: The corrected deed and legal description are attached. The overlapping portion was located on the east side of the proposed park. Highland Hills, LLC has removed that overlapping portion from the legal description and swapped it for the same amount of land along the north side of the park property. In this way,

the City of Norman retains the same amount of land for the park, and the developer does not have to amend his final plat or interfere with the occupied lots and platted street that were included in the overlap area.

RECOMMENDATION: If accepted by City Council, the attached corrected deed will replace the current deed and be filed of record with the Cleveland County Clerk's Office. Staff recommends acceptance of the corrected deed in order to remedy the area of overlap of the parkland and the final plat for Highland Village Addition.

15/I

WARRANTY DEED

Doc#:R 2007 49494
Bk&Pg:RB 4419 1058-1059
Filed:11-05-2007 DLB
01:49:07 PM WD
Cleveland County, OK

Know All Men by These Presents:

That Highland Hills, L.L.C., a corporation duly organized and existing under and by virtue of the laws of the State of Oklahoma, whose principal place of business in Cleveland County, State of Oklahoma, party of the first part, in consideration of the sum of TEN DOLLARS ($10.00) and other valuable considerations, in hand paid, the receipt of which is hereby acknowledged, does hereby Grant, Bargain, Sell and Convey unto The City of Norman, of Cleveland County, State of Oklahoma, party of the second part, the following described real property and premises situated in Cleveland County, State of Oklahoma, to-wit:

A tract of land being a part of the Southeast Quarter (S.E./4), Section 18, Township 9 North (T9N), Range 2 West (R2W), of the Indian Meridian, Norman, Cleveland County, Oklahoma, being more particularly described as follows;

COMMENCING at the S.W. corner of said S.E. ¼; Thence N 00°02'05" W along the West line of said S.E. ¼ a distance of 1750.27 feet to the Point of Beginning;

Thence continuing N 00°02'05" W along said West line a distance of 846.20 feet;
Thence N 90°00'00" E a distance of 324.69 feet;
Thence S 03°33'14" E a distance of 246.41 feet;
Thence N 90°00'00" E a distance of 194.75 feet;
Thence S 15°06'04" W a distance of 476.45 feet;
Thence S 00°00'00" W a distance of 140.26 feet;
Thence S 90°00'00" W a distance of 410.08 feet to the Point of Beginning.

Said tract contains 8.18 acres, more or less.

together with improvements thereon and appurtenances thereunto belonging and warrant the title to the same.

TO HAVE AND TO HOLD said described premises unto the said party of the second part, itself, its assigns, and its successors in interest, forever free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature.

IN WITNESS WHEREOF, the said party of the first part hereto has caused these presents to be signed in its name by its President, its corporate seal affixed, and attested by its Secretary at Norman, Oklahoma, this 1 day of November, 2007.

Highland Hills L.L.C.

Don Wells
~~President~~ MANAGING PARTNER

Attest: (affix corporate seal)

Title 68: Sec. 3201 or 3202.
Tax shall not apply: 11

By: _____
Secretary

CORPORATION ACKNOWLEDGMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

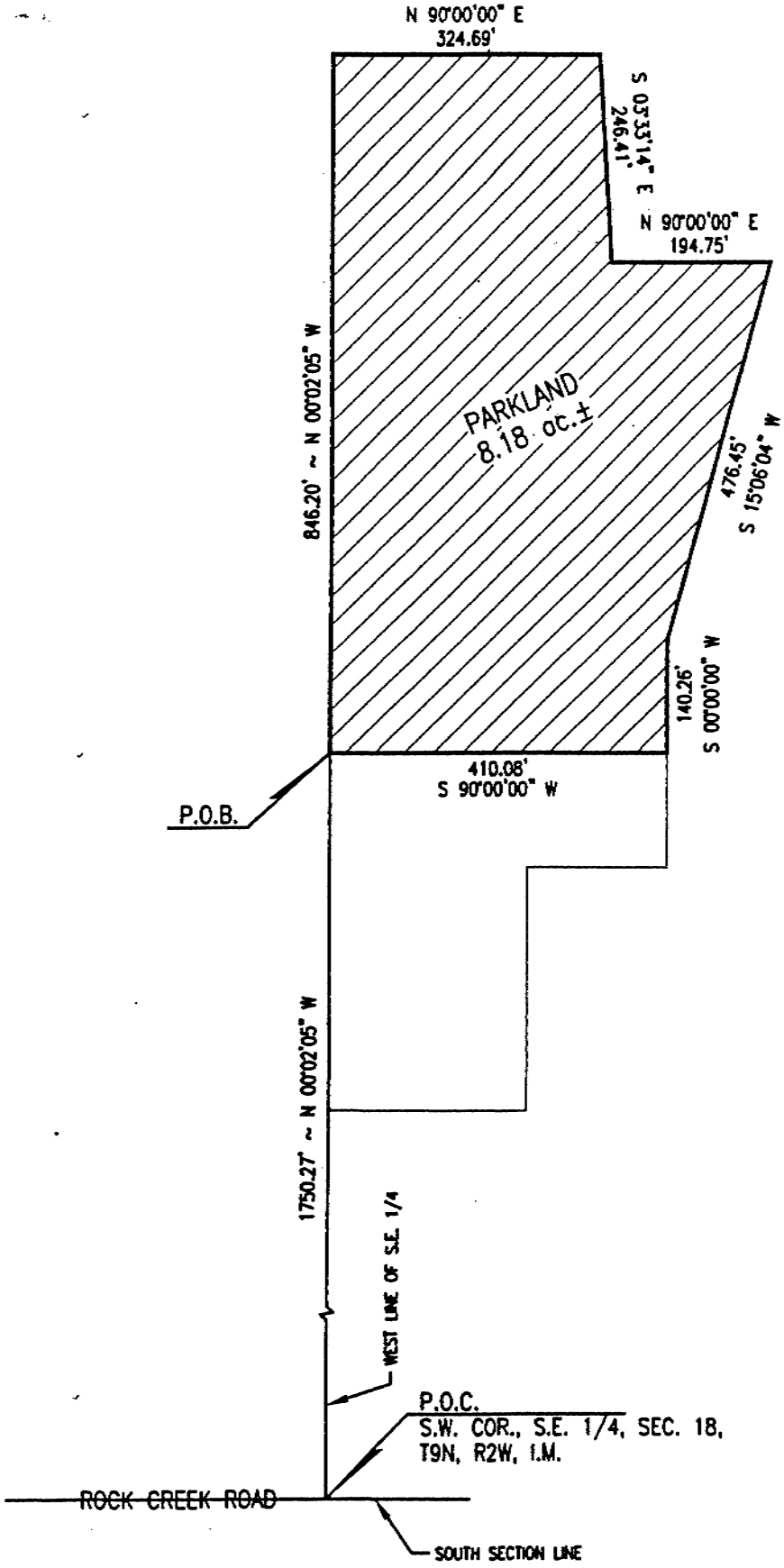
Before me, the undersigned, a Notary Public in and for said County and State, on this 1 day of November, 2007, personally appeared Don Wells to me known to be the identical person who executed the foregoing warranty deed as its Managing Partner and acknowledged to me that he executed the same as his free and voluntary act and deed, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

30 January 2009
My Commission Expires

Suzanne E. Terry
Notary Public

City of Norman
Parks & Recreation
201 West Grey Building C
Norman, OK 73069



SCALE: 1" = 200'

LEGAL DESCRIPTION
REMAINING PARKLAND
HIGHLAND VILLAGE ADDITION
NORMAN, OKLAHOMA
OCTOBER 8, 2007

\\Maximus\archive\DWGS\3556\legals\remaining parkland 9-12-07.dwg, Model, 10/8/2007 10:27:48 AM, chris, 1:200

CORRECTION WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

THAT Highland Hills, L.L.C., a corporation duly organized and existing under and by virtue of the laws of the State of Oklahoma, whose principal place of business in Cleveland County, State of Oklahoma, party of the first part, in consideration of the sum of TEN DOLLARS ($ 10.00) and other valuable considerations, in hand paid, the receipt of which is hereby acknowledged, does hereby Grant, Bargain, Sell and Convey unto They City of Norman, of Cleveland County, State of Oklahoma, party of the second part, the following described real property and premises situated in Cleveland County, State of Oklahoma, to wit. This Correction Warranty Deed releases the Warranty Deed Doc #R 2007 49494 Book: RB 4419 Page: 1058-1059.

A tract of land being a part of the Southeast Quarter (S.E./4), Section 18, Township 9 North (T9N), Range 2 West (R2W), of the Indian Meridian, Norman, Cleveland County, Oklahoma, being more particularly described as follows;

COMMENCING at the S.W. corner of said S.E. ¼; THENCE North 00°02'05" West along the West line of said S.E. ¼ a distance of 1750.27 feet to the POINT OF BEGINNING;

THENCE continuing North 00°02'05" West along said West line a distance of 873.66 feet;
THENCE North 90°00'00" East a distance of 243.95 feet;
THENCE South 35°20'52" East a distance of 33.67 feet;
THENCE North 90°00'00" East a distance of 61.28 feet;
THENCE South 03°33'14" East a distance of 246.41 feet;
THENCE North 90°00'00" East a distance of 135.62 feet;
THENCE South 00°00'00" East a distance of 90.00 feet to a point of curvature;
THENCE along a curve to the right having a radius of 25.00 feet (said curve subtended by a chord which bears South 18°26'06" West a distance of 15.81 feet) with an arc length of 16.09 feet to a point of reverse curvature;
THENCE along a curve to the left having a radius of 50.00 feet (said curve subtended by a chord which bears South 12°08'38" East a distance of 75.49 feet) with an arc length of 85.55 feet;
THENCE South 15°06'04" West a distance of 291.26 feet;
THENCE South 00°00'00" East a distance of 140.26 feet;
THENCE North 90°00'00" West a distance of 410.08 feet to the POINT OF BEGINNING.

Said tract contains 8.18 acres, more or less.

Together with all improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same.

TO HAVE AND TO HOLD said described premises unto the said party of the second part, itself, its assigns, and its successors in interest, forever free, clear and discharged of the from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature.

IN WITNESS WHEREOF, the said party of the first part hereto has caused these presents to be signed in its name by its Managing Partner, its corporate seal affixed, and attested by its Secretary at Norman, Oklahoma, this this _____ day of _____, 2013

_____ Highland Hills, L.L.C.

_____
Managing Partner

CORPORATION ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this _____ day of _____, 2013, personally appeared _____ to me know to be the identical person who executed the foregoing warranty deed as its_____, acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: _____ Notary Public: _____

Approved as to form and legality this _____ day of _____, 2013.

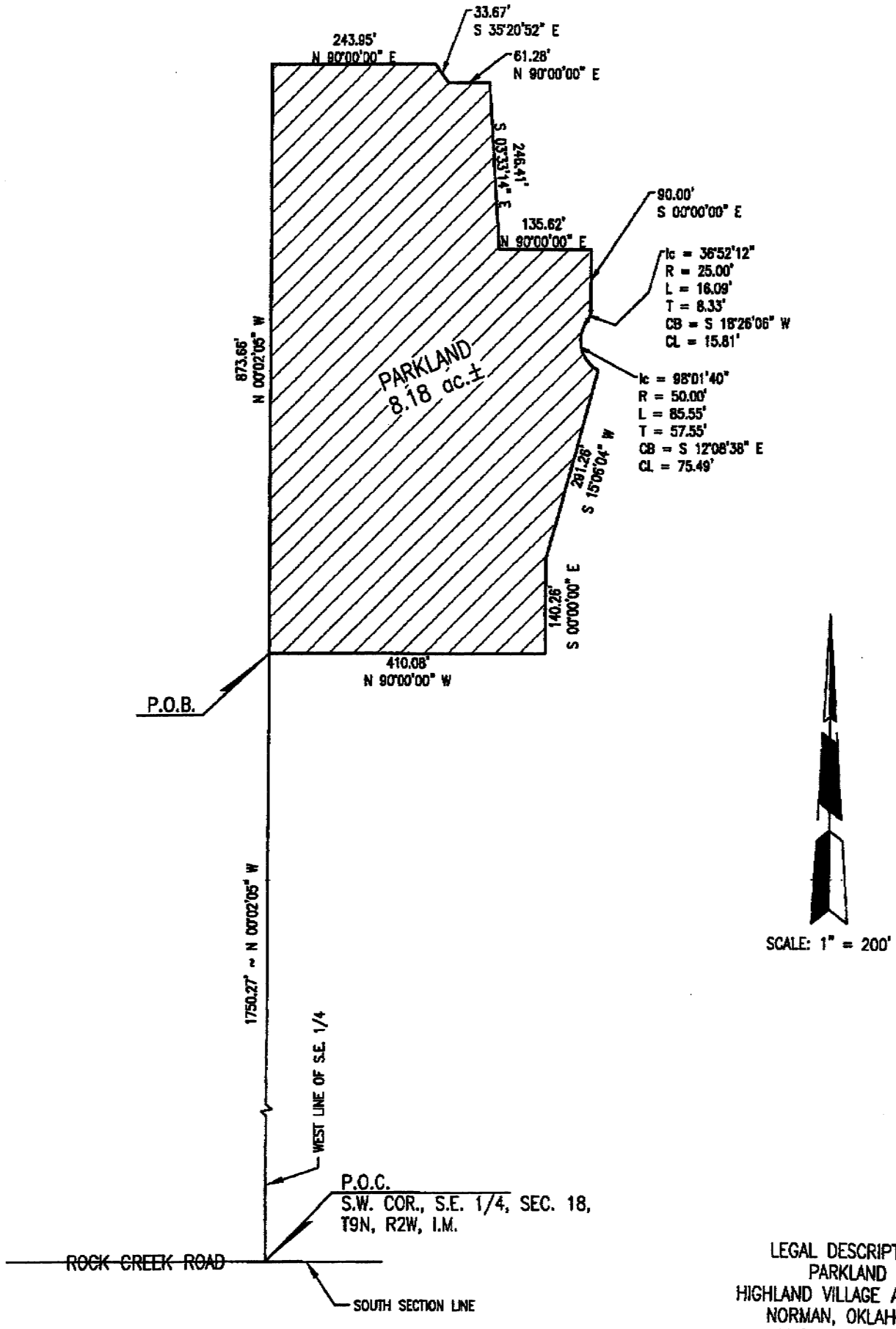
_____
City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 2013.

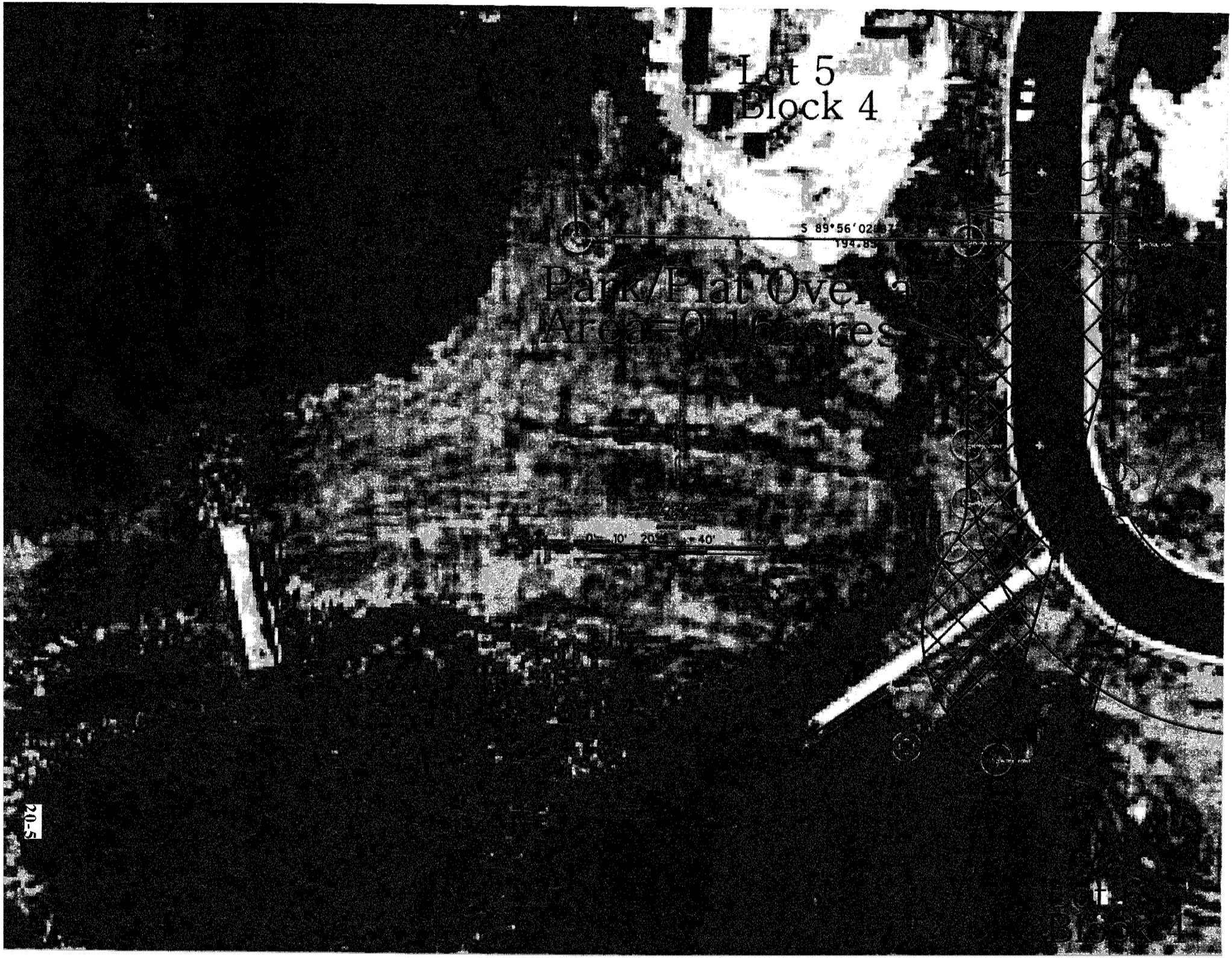
_____
Mayor

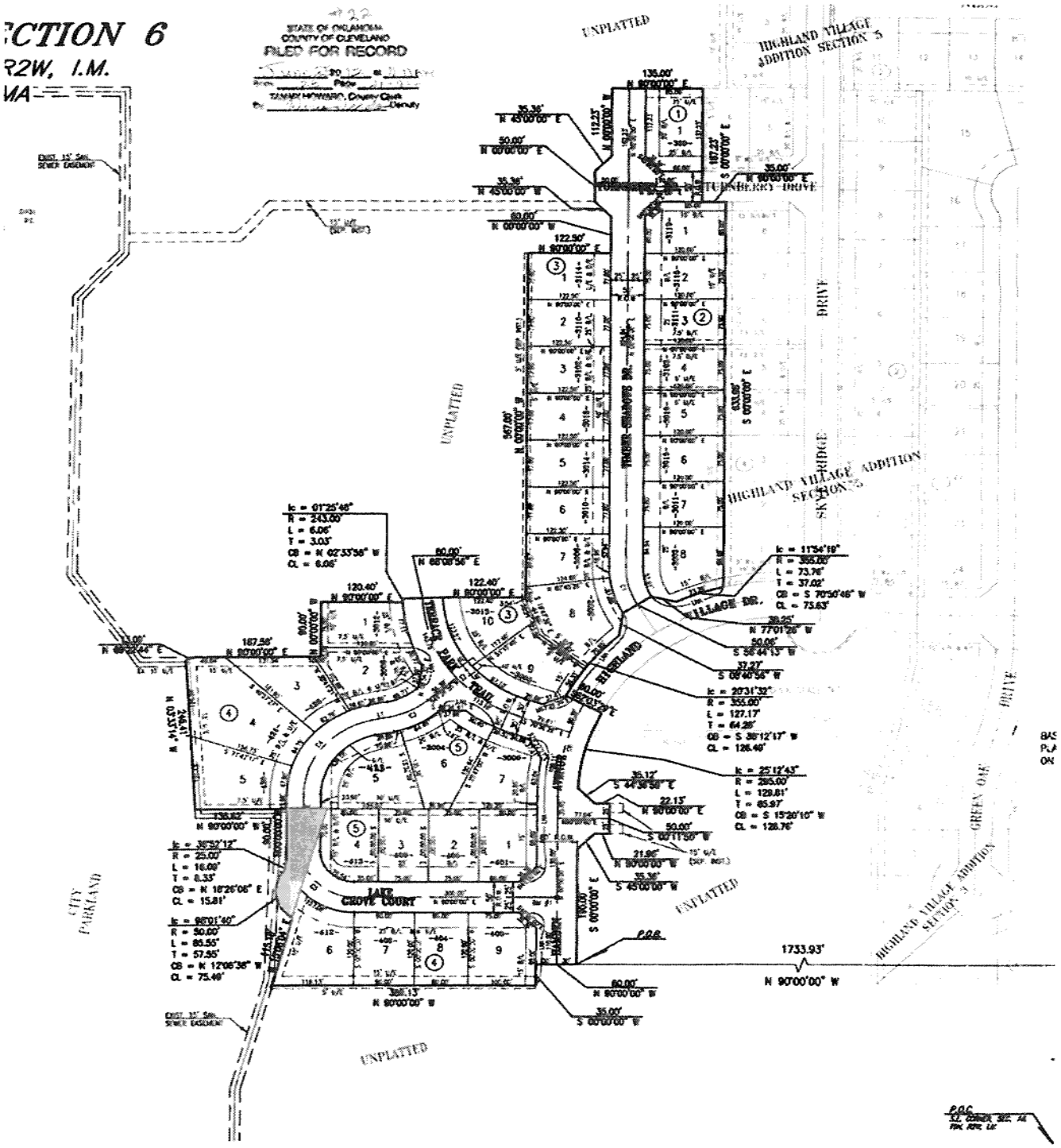
ATTEST:

_____
City Clerk
SEAL:



LEGAL DESCRIPTION
PARKLAND
HIGHLAND VILLAGE ADDITION
NORMAN, OKLAHOMA
MARCH 11, 2013


Lot 5
Block 4
Park/Plat Over
Area=0.16acres
Block 4



CTION 6
R2W, I.M.
STATE OF OKLAHOMA
COUNTY OF CLEVELAND
FILED FOR RECORD
UNPLATTED
HIGHLAND VILLAGE ADDITION SECTION 5
TURNBERRY DRIVE
HIGHLAND VILLAGE ADDITION SECTION 5
SKYBRIDGE DRIVE
GREEN OAK DRIVE
HIGHLAND VILLAGE ADDITION SECTION 4
CITY PARKLAND
LAKE GROVE COURT
TERRACE PARK TRAIL
TERRACE SHADOWS DR.
VILLAGE DR.
HIGHLAND
1733.93'
N 90°00'00" W

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: GID-1213-57

File ID:	GID-1213-57	**Type:**	Declare Suplus/Obsolete	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 21	**In Control:**	City Council
Department:	Finance Department	**Cost:**		**File Created:**	11/26/2012
File Name:	Declare surplus obsolete			**Final Action:**	

Title: DECLARATION OF SURPLUS AND/OR OBSOLETE EQUIPMENT AND MATERIALS AND AUTHORIZING THE SALE THEREOF.

Notes: ACTION NEEDED: Motion to declare the equipment to be surplus and/or obsolete; and, if so declared, authorize the sale thereof.

ACTION TAKEN: _____

Agenda Date: 03/26/2013

Agenda Number: 21

Attachments: Text File Surplus Items, Inventory Sheet from Municipal Court, Inventory Sheets from Fleet, Inventory Sheet for Parks and Rec, Inventory Sheet from Planning, Inventory Sheet from Human Resources

Project Manager: Fred Duke, Procurement Analyst

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File GID-1213-57

Body

BACKGROUND: Section 8-301 of the Code of Ordinances of the City of Norman provides that "The City Council must declare surplus or obsolete any supplies, materials, or equipment where the valuation exceeds one thousand dollars ($1,000) prior to the selling of such supplies, materials, or equipment." The Auction will be conducted by Rosenfelt Auction Service. Upon the sale of any item, Rosenfelt Auction Service will retain 15% of gross sales (less sales tax) as total commission and compensation. All items sold at auction are understood to be sold as is.

DISCUSSION: The attached inventory sheets are supplies, materials, or equipment identified as surplus or obsolete, and are therefore being prepared for sale at auction. There is a contract to be approved by City Council for auction services with Rosenfelt Auction Services on this agenda with an auction scheduled for March 30, 2013. Another contract will be submitted for City Council's approval in an upcoming City Council meeting for online auction services for the equipment at Fleet Maintenance Division.

RECOMMENDATION: It is recommended that the attached list of supplies, materials, or equipment be declared surplus or obsolete, and approved for sale at public auction.

INVENTORY OF GOODS TO BE AUCTIONED

DEPARTMENT Municipal Court REVIEWED BY ACCOUNTING Fred Duke

SIGNATURE Rguerrero

CONDITION*	ITEM AND YEAR	DETAILED DESCRIPTION	SERIAL NUMBER	CITY UNIT NO.
Fair	File cabinet	2 drawer, 30" lateral		
Fair	Typewriter; 10/03/84	IBM Correcting Selectric III	4820927	

*Good, Fair, Poor

*Please indicate if vehicles have been wrecked, burned or are in working order.

INVENTORY OF GOODS TO BE AUCTIONED

DEPARTMENT Fleet Management Division

REVIEWED BY ACCOUNTING Fred Duke

SIGNATURE Mike Uhl 10/11/12

CONDITION*	ITEM AND YEAR	DETAILED DESCRIPTION	SERIAL NUMBER	CITY UNIT NO.
Fair	Ford Crownvic 2004	Old 4 Door Police car	2FAFP71W74X150993	1169
Fair	Ford Crownvic 1999	old 4 Door Police car	2FAFP71WOXX192185	1150
Fair	Electro Sprayer 1988	Yard Sprayer	P21-110	466
Poor	Truck Post lift 1996 ScFac	Fleet truck Post lift	36994	87
Poor	Truck Post lift 1994 ScFac	Fleet truck Post lift	34941	87
Poor	Truck Post lift 1996 ScFac	Fleet truck Post lift	36993	87
Poor	Truck Post lift 1994 ScFac	Fleet truck Post lift	34942	87
Good	Ford crownvic 2003	4 Door Police car	2FALP71W2TX158775	1102
Wrecked	Dodge Neon 2003	Legal-claim/now owned By city	1B3ES56C33D243607	Legal
Wrecked	Chevy 1/2 ton Pickup 1994	Long Bed/White	1GCec14HoR2274262	207
Wrecked	Honda Accord/PD Seizure 1996	Left Door Damage/2 Door sun Roof	1HGCD726XTA035236	1018
Burnt	Peterbilt Front Loader Sanitation 1993 Truck	Cab burnt	1XP2L50X2PD707224	229
Fair	International 51700 1984	Old Fire truck	1HTLFTVN7EHAG8280	413
Good	Ford F250 1997	long Bed two Door	3FTHF26H8VMA54941	418
Fair	Chevy Astrovan 1997	White two Door	1GCDM15ZXRB198915	1188
Good	Chevy 3500 1994	Flat bed two Door	1GBHK34N5RE295122	669
Poor	RHino Brush hog 2009	Left Bed gear Box	10923	696B
Poor	toro 325-D 1999	Front Deck Mower	30788-70948	404
Fair	Hydraulic Power unit 1989	Hydraulic Power	HP175A-48272	634
Fair	Hydraulic Auger 1997	Auger	HA-4349	637
Fair	Ford Bronco 1994	Two Door 4 Wheel Drive	1FMEU15H7RLB01185	650
Fair	Ford van 1992	12 Passenger	2GAGG35K5N4178859	442
Fair	Ford Crownvic 1999	4 Door Police Car	2FAFP71W2XX192186	1159
Poor	Chevy Impala 2002	4 Door Bad engine	2G1WF55K629300904	1131
Poor	Chevy 2000	Suburban	3GNec16Z2Y2634038	1189
Poor	Dodge 2000	Brush truck Bad engine Flat Bed	3B6MF36WXYM254072	49
Poor	Ford Crownvic 2002	P-W Patrol	2FAFP71W93X122188	1102

*Good, Fair, Poor

*Please indicate if vehicles have been wrecked, burned or are in working order.

INVENTORY OF GOODS TO BE AUCTIONED

DEPARTMENT Fleet Management Division REVIEWED BY ACCOUNTING Fred Dale

SIGNATURE

CONDITION*	ITEM AND YEAR	DETAILED DESCRIPTION	SERIAL NUMBER	CITY UNIT NO.
Fair	~~Chevy~~ Chevy VAN	Sport Van Passenger Van	2GAGG35K5A1428159	442
~~Fair~~ fair	Ford Crown Vic 2002	Police Car	2FAFP71W33X122204	1135
Fair	Ford Crown Vic 1999	Police car	2FAFP71W6XX192141	1140
Fair	Jeep Cherokee	4 door white	1J4FT2756SL596344	941
Fair	fire truck model 9422-97	Pump truck yellow	1D91Y11P1N3008559	26
Poor	International 2002	Transpect truck	1HSGLAXT62H543683	294
Poor	Ford F450 2001	utility Bed Truck - wrecked	1FDXF46581EC24534	305
Poor	JohnDeere mower	Front Deck 60" mower	MOF925X170926	
Poor	Power Trim	gas edger	GC01-2019107	
Poor	Whelen lightbar	amber overhead light Bar		
Poor	Bomag Roller	Smaller Walk behind Roller	10162002 4960	
good	2009 chevy Tailgate	White tail gate for full size Truck		
Fair	Big Joe Fork Lift	small hand truck - electric	64112	
Fair	Tennant Stripe Remover	motorized road stripe remover	TLR-3973	632
Poor	Dodge ½ ton Pickup 2000	reg cab, LWB, White		624
Poor	8 Pallets - Parts	misc parts,	—	—
Poor	Ford F250 1997	reg cab, lwb, bad Transmission	3FTHF25G4VMA54036	562
Poor	Ford expedition 2003	BLK-wht Patrol SUV	1FMPU15L43LB02735	1152
Poor	Ford crownvic 1999	BLK-wht Patrol Car	2FAFP71HOXX192135	1150
Fair	2 of	oil Burning Shop heaters		
Poor	3 trailer axles			

*Good, Fair, Poor

Fleet Maintenance Division — Fred Duke

Good	Ford Crown Vic	2003	Police Car	2FAFP71W53X107235	1108
Fair	Ford Crown Vic	1999	Police Car	2FAFP71W7XX236180	1153
good	Ford Crown Vic	1996	Police Car (White)	2FALP71W2TX158775	✓
good	Chevy Malibu		Plain white 4 door	1G1ND52M3XY164368	1051
Poor	Trailer, model 1200	1982	road bed w/ ramps by Carrier King	12136TA	321T
Poor	Jet-Vac		Jet Vac trailer	1P9J5182 14P3030BC	318
Fair	GMC C8500	1996	Patch truck	1GDP7H1J9VJ501076	160

*Good, Fair, Poor

*Please indicate if vehicles have been wrecked, burned or are in working order.

INVENTORY OF GOODS TO BE AUCTIONED

Department PARKS & REC / WESTWOOD PARK G.C.

Signature [signature]

Approved by Frederick Duke 1-18-13
Purchasing Agent

CONDITION*	ITEM AND YEAR	DETAILED DESCRIPTION	SERIAL NUMBER	Asset Tag No.
BROKEN	1993 PRINTER	HP LASER JET 4	JPBH021811	
NO PICTURE	2003 TELEVISION	SANYO TELEVISION 25"	V3110169606596	
NO PICTURE	2003 TELEVISION	SANYO TELEVISION 25"	V3030370012910	
NO PICTURE	2003 TELEVISION	SANYO TELEVISION 25"	V30300170013587	
	COPIER	CANON PC735	ZTB34852	
FAIR	2002 WALL MOUNT	JESMAY TV MOUNT	ALGW27	
FAIR	"	"	ALGW27	
FAIR	"	"	ALGW27	
Fair	1971 - Typewriter	IBM Selectric Typewriter	Can not find	
Good to Fair	? NCR Register	NCR Cash Register used at the golf Course	21-26065804	

*GOOD – FAIR – POOR – Please indicate if vehicles have been wrecked, burned or are in working order.

INVENTORY OF GOODS TO BE AUCTIONED

Department Planning Department/Public Works Department from Building-A Project

Signature [signature]

Approved by [signature]
Purchasing Agent

CONDITION*	QUANTITY	DETAILED DESCRIPTION	SERIAL NUMBER	Asset Tag No.
FAIR	7	Metal Desks		
FAIR	3	Wood Desks w/returns		
POOR	5	Desk Chairs		
POOR	6	Chairs from the old lobby		
FAIR	4	4-Drawer Lateral File Cabinets		
FAIR	2	2-Drawer Lateral File Cabinets		
FAIR	1	Large Wood Cabinet w/doors (for storage)		
FAIR	1	Desk Pedi stool		
FAIR	1	Small Table (Breakroom)		
FAIR	2	2 Chairs that go w/Small Table		
FAIR	2	Wood Book Cases		
POOR	1	Coffee Table		
FAIR	4	Black open book cases		
FAIR	4	Room Dividers		
GOOD	2	Laminate Counter Tops 4 ft.		
GOOD	2	Laminate Counter Tops 6 ft.		
GOOD	2	Laminate Counter Tops		
FAIR	2	Desks (Small)		
POOR	1	Dry Erase Board		
POOR	2	Black Book Cases w/Sliding Doors		
FAIR	14	Metal Desks -- Engineering		
POOR	14	Desk Chairs - Engineering		
POOR	2	High Back Stools - Engineering		
POOR	2	Wooden Computer Desk - Engineering		
FAIR	4	2-Drawer File Cabinets - Engineering		
FAIR	1	Wooden File Organizer (magazine rack style) Engineering		

INVENTORY OF GOODS TO BE AUCTIONED

Department Human Resources

Signature Stacey Parker

Approved by Fred Clarke
Purchasing Agent

CONDITION*	ITEM AND YEAR	DETAILED DESCRIPTION	SERIAL NUMBER	Asset Tag No.
Good	IBM Typewriter by Lexmark;	Personal wheelwriter 2		
Good	Epson stylus C88+	DuraBright Ultra Energy Star Printer	JKDY341569	
Fair	Sharp AR-168D	B&W Printer/Scan/Copy/Fax	45057905	
~~Fair~~ Poor	Fellowes PS60C-2	Shredder w/ basket		
Good	Panasonic	Cassette Player/Recorder	WG1HA006138	

*GOOD – FAIR – POOR – Please indicate if vehicles have been wrecked, burned or are in working order.

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: GID-1213-108

File ID:	GID-1213-108	**Type:**	Donation	**Status:**	Consent Item
Version:	2	**Reference:**	Item No. 22	**In Control:**	City Council
Department:	Police Department	**Cost:**		**File Created:**	03/04/2013
File Name:	Donation for the Animal Welfare Center			**Final Action:**	

Title: CONSIDERATION OF THE ACCEPTANCE OF A DONATION IN THE AMOUNT OF $500 FROM PATRICIA HANSON TO BE USED AT THE NORMAN ANIMAL WELFARE CENTER.

Notes: ACTION NEEDED: Motion to accept or reject a donation in the amount of $500 from Patricia Hanson to be used at the Norman Animal Welfare Center; and if accepted, increase Animal Control Liability (010-0000-227.24-31) by $500.

ACTION TAKEN: _____

Agenda Date: 03/26/2013

Agenda Number: 22

Attachments: Text File Donation, Donation Letter from Patricia Hanson.pdf

Project Manager: John Bowman, Animal Welfare Supervisor

Entered by: kathy.lamar@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File GID-1213-108

Body

BACKGROUND: Patricia Hanson presented the City of Norman Animal Welfare Center with a donation in the amount of $500.00. A letter was attached with the donation.

DISCUSSION: This is a private unsolicited donation to be used for the care of those animals that are residing at the shelter. Since the Norman Animal Welfare Center is currently in the process of remodeling, these funds could be combined with other donations to assist during the remodel, if needed. An appropriation from City Council would be needed at that time to spend the combined funds.

STAFF RECOMMENDATION: It is recommended that the $500 donation be accepted and deposited into Animal Control Liability (010-0000-227.24-31). The funds can be used as needed during the remodeling of the Norman Animal Welfare Center via future Council appropriation.

LYTLE SOULÉ & CURLEE

A PROFESSIONAL CORPORATION
EST. JANUARY 1, 1902
ATTORNEYS & COUNSELORS
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JASON C. HASTY
SHAWN E. ARNOLD

MICHAEL A. BETTS
ROBERT RAY JONES, JR.
MATTHEW J.G. McDEVITT
MATTHEW K. FELTY

RICHARD M. HEALY, III
OF COUNSEL

February 26, 2013

Norman Animal Welfare Center
3428 Jenkins
Norman, OK 73069

Dear Holly etal:

Thank you so much for the heartfelt concern you showed towards me and my Chiweenie, Pretzel when he went missing a few weeks ago. You went above and beyond to help me, and I appreciated it so much. I'm so glad that the whole incident has had a happy ending. Pretzel is back with me and my cocker spaniel, Joey. It's a happy home once again. I would like to help with all that do, so please accept this donation.

Thank you,

Patty J. Hanson

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: LL-1213-8

File ID:	LL-1213-8	**Type:**	Limited License	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 23	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	03/11/2013
File Name:	Mary Abbott Children's House Event			**Final Action:**	

Title: LIMITED LICENSE NO. LL-1213-8: LIMITED LICENSE TO PLACE ONE (1) GROUND BANNER WITHIN THE PUBLIC RIGHT-OF-WAY PURSUANT TO A REQUEST FROM MARY ABBOTT CHILDREN'S HOUSE FOR "THE CHILDREN'S GARDEN" EVENT TO BE HELD SATURDAY, APRIL 13, 2013.

Notes: ACTION NEEDED: Motion to approve or reject Limited License No. LL-1213-8 to place one (1) ground banner within the public rights-of-way pursuant to a request from Mary Abbott Children's House; and, if approved, authorize the issuance thereof.

ACTION TAKEN: _____

Agenda Date: 03/26/2013

Agenda Number:

Attachments: Text File Mary Abbott, Application Limited License Mary Abbott, Sign Mary Abbott, Sign 2 Mary Abbott, Mary Abbott Children's House Limited License

Project Manager: Wayne Stenis, Planner II

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File LL-1213-8

body

BACKGROUND: Section 18-308 states:

Festival or Public Event Banners.

Signs announcing specific events or promotions that are of a legitimate public benefit to the community at large may be erected within the public right-of-way when authorized by a limited license granted by the City Council. The size, number, type, and wording of such signs must be specified in the license, as well as their location and duration of use. Because of their unique location within the public right-of-way, such banners may not be placed so as to interfere with legitimate traffic and safety concerns.

DISCUSSION: The Mary Abbott Children's House of Norman will host "A Children's Garden" event at Andrews Park on April 13, 2013. They have requested permission to place a banner in the right of way at the Community Services Building to inform the public of this event. The sign is 3' x 6' in size, and is heavy paper/canvas material attached to poles. It will be in place for approximately two weeks before the event, and will be removed right after the event (March 30 - April 15).

They have been advised that banner should not be located to obstruct any sight triangle, and the proposed location does not create any obstruction. A copy of the letter of request, application, and sign locations are attached for reference.

RECOMMENDATION: Staff has prepared the license in accordance with their request, and presents it to the Council for their consideration. Conditions may be attached, if the Council desires. Staff supports granting this Limited License, for the specified time period.

APPLICATION FOR LIMITED LICENSE
FOR FESTIVAL OR PUBLIC EVENT BANNER OR SIGN

Date February 11, 2013

Name of Applicant Mary Abbott Children's House

Address 231 E. Symmes, Norman, OK 73069 Telephone Number 579-5800

Number of Banners/Signs 1 (one)

Location of Banners (If list is lengthy you may attach separate sheet or map)

Community Services Building in the grass by the west side of 12th Avenue NE/ Sooner Road

Banner Size 3 feet by 6 feet

Type of Banner heavy paper/canvas

Wording of Banner See attached

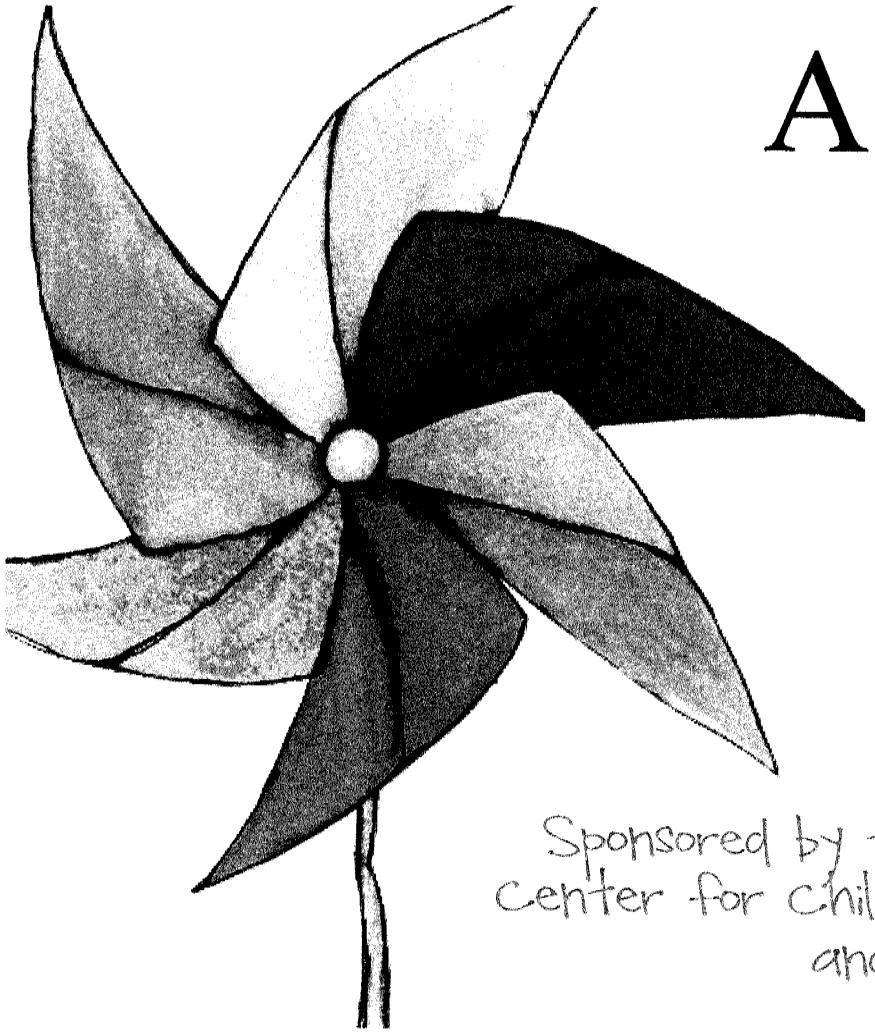
Duration of Use March 30th thru April 15th

Because of their unique location within the public right-of-way, such banners shall not be placed so as to interfere with legitimate traffic and safety concerns.
Additionally, these are intended to be of benefit to the community at large and not private commercial advertising, although they may contain a sponsor's identification on a minor portion of the sign.

A Children's Garden

Raising Awareness for Child Abuse Prevention

April 13, 2013 noon to 5pm
Andrews Park



A Children's Garden

Raising Awareness for Child Abuse Prevention

April 13, 2013
noon to 5pm
Andrews Park

Sponsored by the Children's Rights Commission, Bethesda, Center for Children and Families, Exchange Club of Norman, and Mary Abbott Children's House

LIMITED LICENSE NO. 1213-8

LIMITED LICENSE TO PLACE ONE (1) GROUND BANNER WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM MARY ABBOTT CHILDREN'S HOUSE FOR "A CHILDREN'S GARDEN" EVENT TO BE HELD SATURDAY, APRIL 13, 2013.

An Application has been filed by Mary Abbott Children's House for a Limited License to one (1) ground banner within the public rights-of-way pursuant to Section 18-308 of Chapter 18 of the Code of Ordinances, which Application is hereby granted pursuant to the conditions and limitations as set forth in said Application.

Special conditions for the granting of this limited license by the City Council are as follows:

Strict compliance with all the conditions set forth in the application filed herein with regard to description, location, duration, and wording as specified in the application which is incorporated herein and made a part hereof

License limited from March 30, 2013, to April 15, 2013

Any special conditions which may be imposed by the City Council.

Further, any breach of the conditions as above set forth shall be grounds for immediate revocation of this license and further that the City Council may revoke this limited license at will and for any cause whatsoever upon the giving of thirty (30) days notice authorized by the City Council to the application.

Approved by City Council on March 26, 2013.

CITY OF NORMAN

_____

Mayor

ATTEST:

_____

City Clerk

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: LL-1213-9

File ID:	LL-1213-9	**Type:**	Limited License	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 24	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	03/15/2013
File Name:	Limited License for May Fair Signs			**Final Action:**	

Title: LIMITED LICENSE NO. LL-1213-9: LIMITED LICENSE TO PLACE FOURTEEN (14) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE ASSISTANCE LEAGUE OF NORMAN FOR THE MAY FAIR ARTS FESTIVAL TO BE HELD SATURDAY, MAY 4 THROUGH SUNDAY, MAY 5, 2013.

Notes: ACTION NEEDED: Motion to approve or reject Limited License No. LL-1213-9 to place fourteen (14) ground banners within the public rights-of-way pursuant to a request from Assistance League of Norman; and, if approved, authorize the issuance thereof.

ACTION TAKEN: _____

Agenda Date: 03/26/2013

Agenda Number: 24

Attachments: Text File May Fair License, May Fair application, May Fair Arts Festival Locations, May Fair

Project Manager: Wayne Stenis, Park Planner

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File LL-1213-9

Body

BACKGROUND: Section 18-308 states:

Festival or Public Event Banners.

Signs announcing specific events or promotions that are of a legitimate public benefit to the community at large may be erected within the public right-of-way when authorized by a limited license granted by the City Council. The size, number, type, and wording of such signs must be specified in the license, as well as their location and duration of use. Because of their unique location within the public right-of-way, such banners may not be placed so as to interfere with legitimate traffic and safety concerns.

DISCUSSION: The Assistance League of Norman, a 501(c)(3) organization, has requested placement of

fourteen (14) ground signs at intersections around the community to advertise the May Fair Art Festival, a public festival. The signs will be used from April 1 through May 7, 2013. The event will be held May 4 and May 5, 2013, at Andrews Park.

A copy of the application, with the specified locations, is attached for reference. Some of the proposed locations include rights-of-way of highways (SH9, SH77/12th Avenue East and Interstate 35), which are under the authority of the State. At these locations, staff recommends that the signs be placed only in the local street rights-of-way.

RECOMMENDATION: The locations are acceptable and will not impact any designated sight triangles or traffic safety if properly placed. Staff has prepared the license in accordance with their request, and presents it to the Council for consideration. Additional conditions may be attached by Council. Other than the stipulated time frame and placement, staff has not suggested any other conditions, and does not oppose granting this limited license.

APPLICATION FOR LIMITED LICENSE
FOR FESTIVAL OR PUBLIC EVENT BANNER OR SIGN

Date March 15, 2013

Name of Applicant Assistance League of Norman – contact person, Judy Travis

Address 809 Wall Street Telephone Number 321-9400

Number of Banners/Signs 14 banners

Location of Banners (If list is lengthy you may attach separate sheet or map)

See Attached

Banner Size 4' x 8'

Type of Banner Vinyl reinforced with 12" spacing on grommets

Wording of Banner, May Fair Arts Festival, May 4 and 5, Andrews Park with Assistance League Logo on most and small business logos on some.

Duration of Use April 1 through May 7

Because of their unique location within the public right-of-way, such banners shall not be placed so as to interfere with legitimate traffic and safety concerns.
Additionally, these are intended to be of benefit to the community at large and not private commercial advertising, although they may contain a sponsor's identification on a minor portion of the sign.

2013 APPLICATION
FOR PLACEMENT OF MAY FAIR BANNERS

May Fair Arts Festival
May 4 and 5, 2013
Andrews Park Norman

Locations:

1. 24th Avenue NW and Main - southeast corner
2. I-35 and Robinson - North side of Robinson west of access road.
3. I-35 and Main - 400 feet west of Ed Noble Parkway.
4. 36th and Tecumseh - NW of SW corner
5. Rock Creek and Flood - East side of Flood
6. Lindsey and 24th SW – NE of SW corner.
7. Jenkins and Highway 9 - SE corner
8. 12th and Robinson - opposite Lakecrest Drive. R-O-W adjacent to Griffin Park.
9. Jenkins and Constitution - NE corner
10. Northeast corner of Lions Park at Symmes and Flood.
11. East of Robinson and 24th Avenue N.W. – south side of Robinson.
12. North corner of 12th Avenue S.E. and Classen.
13. Northwest corner of Tecumseh Road and 24th Avenue N.W.
14. Southeast corner of Interstate Drive and Parkway Drive

May Fair Arts Festival is sponsored by Assistance League® of Norman.

LIMITED LICENSE NO. 1213-9

LIMITED LICENSE TO PLACE FOURTEEN (14) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE ASSISTANCE LEAGUE OF NORMAN FOR THE MAY FAIR ARTS FESTIVAL TO BE HELD AT ANDREWS PARK ON MAY 4 AND 5, 2013.

An Application has been filed by the Assistance League of Norman for a Limited License to place fourteen (14) ground banners within the public rights-of-way pursuant to Section 18-308 of Chapter 18 of the Code of Ordinances, which Application is hereby granted pursuant to the conditions and limitations as set forth in said Application.

Special conditions for the granting of this limited license by the City Council are as follows:

Strict compliance with all the conditions set forth in the application filed herein with regard to description, location, duration, and wording as specified in the application which is incorporated herein and made a part hereof

License limited to a period of thirty-six (36) days from April 1 through May 7, 2013.

Any special conditions which may be imposed by the City Council.

Further, any breach of the conditions as above set forth shall be grounds for immediate revocation of this license and further that the City Council may revoke this limited license at will and for any cause whatsoever upon the giving of thirty (30) days notice authorized by the City Council to the application.

Approved this 26th day of March, 2013.

CITY OF NORMAN

_____
Mayor

ATTEST:

_____
City Clerk

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: K-1213-119 Amd #1

File ID:	K-1213-119 Amd #1	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 25	**In Control:**	City Council
Department:	Utilities Department	**Cost:**	$14,019.00	**File Created:**	03/12/2013
File Name:	Amdmt with Cardinal Hwy 9 Project			**Final Action:**	

Title: AMENDMENT NO. ONE TO CONTRACT K-1213-119: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND CARDINAL ENGINEERING, INC., INCREASING THE CONTRACT BY $14,019 TO PROVIDE ADDITIONAL ENGINEERING DESIGN SERVICES TO ADD ONE-HALF MILE OF WATER LINE TO THE HIGHWAY NINE WATER LINE RELOCATION PROJECT.

Notes: ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject Amendment No. One to Contract No. K-1213-119 with Cardinal Engineering, Inc., increasing the contract by $14,019; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Agenda Date: 03/26/2013

Agenda Number: 25

Attachments: Text File amendment with Cardinal, Amd 1
K-1213-119, K-1213-119, Location map, PR Cardinal

Project Manager: Jim Speck, Capital Projects Engineer

Entered by: jim.speck@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File K-1213-119 Amd #1

Body

BACKGROUND: On November 23, 2011, the City received a letter from the Oklahoma Department of Transportation (ODOT) informing the City of plans to perform construction on Highway 9 beginning just west of 24th Avenue SE and extending east along State Highway 9 for approximately 1.5 miles. In the letter, ODOT notified the City of its responsibility to relocate City utilities in advance of construction.

On November 13, 2012, the NUA approved Contract K-1213-119 in the amount of $47,000 with Cardinal Engineers for the design work for the Highway 9 Waterline Relocation Project. The construction will require the relocation of a 12-inch water line that supplies water service to Summit Valley Subdivision, Norman Business Park and Saxon Industrial Park. During the relocation of the 12-inch waterline, Summit Valley Subdivision, Norman Business Park and Saxon Industrial Park will be serviced by a single 8 inch ductile iron water line.

DESCRIPTION: Amendment No. 1 to Contract No. K-1213-119 provides for the design of an additional 12 inch

waterline that is approximately one half mile in length along the north side of Hwy 9 and will provide a second feed to the area of Summit Valley, Norman Business Park, and Saxon Industrial Park. This additional line will enhance service and reduce the likelihood of water outages. Therefore, Staff recommends the additional waterline be added to this project.

Cardinal has provided an amendment in the amount of $14,019 for the additional design. This would increase the contract total from $47,000 to $61,119. The project (WA0191) has $109,000 available for the design work in Account # 031-9727-462.62-01 for the additional work.

RECOMMENDATION: Staff recommends the NUA approve Amendment No. 1 to Contract K-1213-119.

AMENDMENT NO. 1

AGREEMENT
FOR
ENGINEERING SERVICES

This is an amendment, AMENDMENT NO. 1, attached to and made a part of the AGREEMENT, dated November 13, 2012, between the NORMAN UTILITIES AUTHORITY (Owner) and Cardinal Engineering Inc. (Engineer) for professional engineering services as necessary for the modification or relocation of approximately 2,400 feet of existing waterlines along Highway 9, generally between 24th and 36th Avenue SE, in preparation for roadway widening project (the Services).

WHEREAS, the Owner has determined that the design to extend a 12" water line approximately 2600' along the north side of State Highway 9 is similar in scope, location, schedule, and required expertise as is required under the AGREEMENT.

WHEREAS, the Engineer is prepared to provide additional engineering services as necessary under Amendment No. 1 to provide the design of the 12" water line.

NOW THEREFORE, in consideration of the promises contained in said Agreement, Owner and Engineer agree as follows:

SCHEDULE
Engineer shall complete the Additional Services in accordance with Attachment A.

SCOPE OF SERVICES
Engineer shall perform Additional Services in accordance with Attachment B.

COMPENSATION
Owner shall pay Engineer for Additional Services in accordance with Attachment C.

IN WITNESS WHEREOF. Owner and Engineer have executed this Amendment.

DATED this _____ day of _____, 20_____.

NORMAN UTILITIES AUTHORITY	CARDINAL ENGINEERING, INC.
OWNER	ENGINEER
By: _____	By: _____
Title: Chairman -N.U.A.	Title: Vice President
Date: _____	Date: 3/13/2013
ATTEST	ATTEST:
_____	_____
Secretary	Vice President
Seal	Seal

APPROVED as to form and legality this 18 day of March, 2013

_____
City Attorney

ATTACHMENT A

TIME SCHEDULE FOR SCOPE OF SERVICES PERFORMANCE

The Engineer shall, initiate design services immediately upon receiving a Notice to Proceed. The Engineer shall provide construction documents within 30 days of receipt of the design survey to be provided by the Owner under separate agreement.

ATTACHMENT B

SCOPE OF SERVICES

In addition to the scope of services to be performed under the AGREEMENT the following additional services are to be performed under AMENDMENT NO. 1 – Extend 12" Water Line Approximately 2600' Along the North Side of State Highway 9:

Item #11: Prepare construction documents to extend a 12" water line approximately 2600' along the north side of State Highway 9. The beginning point being near the east end of E. Imhoff Road near the southwest entrance to the Hitachi Plant. The 12" line will follow the section line east for some distance before paralleling an existing sanitary sewer line. The line will join and existing 12" water line near Saxon Boulevard. The following tasks are included in the Scope of Services

AS BUILT DRAWINGS
Owner provided as-built survey of valves & hydrants to be utilized along with the contractor markups to prepare "as built" plan to be submitted to the Owner along with the digital file.

WATER LINE DESIGN
Construction documents for public water line improvements will be provided. Included in the scope of work is the required engineer's report and application for ODEQ approval. Any required hydrant flow tests to determine available pressures and flows are to be provided by the Owner.

BID DOCUMENTS & BID ADMINISTRATION
Cardinal Engineering will prepare bid documents and assist the Owner as necessary in the bidding and evaluation of bids.

CONSTRUCTION ADMINISTRATION
Cardinal Engineering has allocated 8 hours of Professional Engineer time to provide miscellaneous construction administration during the construction of the project. Anticipated tasks include progress meetings, submittal review, response to RFIs, miscellaneous correspondence, final inspection for public improvements, etc.

PROJECT MANAGEMENT/MEETINGS/ODOT COORDINATION
Cardinal Engineering has allocated 3.5 hours to provide project management, attend project meetings, and ODOT Coordination during the course of the project.

REIMBURSABLES
Cardinal Engineering has allocated $155 to cover reimbursed expenses such as reproduction, etc.

Exclusions from the Scope of Services:

- Design Survey – to be provided by the Owner under separate agreement
- Construction Inspection
- Construction Staking
- Easement/ROW acquisition documents and/or activities

ATTACHMENT C

COMPENSATION

The engineer will receive a total compensation for Amendment No. 1 Services of Fourteen Thousand and Nineteen ($14,019) dollars. The fee will be distributed as follows:

Task	Original Contract	Amendment No. 1 12" Water Line Extension	Revised Contract Amount
Item #1	$2,300	$0	$2,300
Item #2	$4,200	$0	$4,200
Item #3	$1,900	$0	$1,900
Item #4	$22,100	$0	$22,100
Item #5	$2,300	$0	$2,300
Item #6	$3,300	$0	$3,300
Item #7	$1,000	$0	$1,000
Item #8	$6,700	$0	$6,700
Item #9	$0	$0	$0
Item #10	$3,300	$0	$3,300
Item #11	$0	$14,019	$14,019
Total Fee	**$47,100.00**	**$14,019.00**	**$61,119.00**

The Engineer may submit interim statements, not to exceed one per month, for partial payment for Services rendered. The statements to owner will be for all work actually completed. The Owner shall make interim payments within 45 days of receipt of invoice in response to Engineer's interim statements.

HWY 9 Postal Training Water Line Item #11

Base Cost Estimate

March 12, 2013

Relocation Design and Plans

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle	1	Hrs.	$ 140.00	$ 140.00
Project Coordination (PLS)		Hrs.	$ 110.00	$ -
Project Coordination (PE)	24	Hrs.	$ 120.00	$ 2,880.00
Standard Two-Man Survey Crew		Hrs.	$ 110.00	$ -
CADD Technician	80	Hrs.	$ 75.00	$ 6,000.00
TOTAL OF ALL TASKS				**$ 9,020.00**

Meetings/Admin

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$ 140.00	$ -
Project Coordination (PLS)	3.5	Hrs.	$ 110.00	$ 385.00
Project Coordination (PE)		Hrs.	$ 120.00	$ -
Standard Two-Man Survey Crew		Hrs.	$ 110.00	$ -
CADD Technician		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 385.00**

Engineers Report

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$ 140.00	$ -
Project Coordination (PLS)		Hrs.	$ 110.00	$ -
Project Coordination (PE)		Hrs.	$ 120.00	$ -
Standard Two-Man Survey Crew		Hrs.	$ 110.00	$ -
CADD Technician		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ -**

SWPPP

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$ 140.00	$ -
Project Coordination (PLS)		Hrs.	$ 110.00	$ -
Project Coordination (PE)		Hrs.	$ 120.00	$ -
Standard Two-Man Survey Crew		Hrs.	$ 110.00	$ -
CADD Technician		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ -**

Bid Package Admin/Assistance

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle	1	Hrs.	$ 140.00	$ 140.00
Project Coordination (PLS)		Hrs.	$ 110.00	$ -
Project Coordination (PE)	4	Hrs.	$ 120.00	$ 480.00
Standard Two-Man Survey Crew		Hrs.	$ 110.00	$ -
CADD Technician	9	Hrs.	$ 75.00	$ 675.00
TOTAL OF ALL TASKS				**$ 1,295.00**

Supplemental Survey

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$ 140.00	$ -
Project Coordination (PLS)	0	Hrs.	$ 110.00	$ -
Project Coordination (PE)		Hrs.	$ 120.00	$ -
Standard Two-Man Survey Crew	0	Hrs.	$ 110.00	$ -
CADD Technician	0	Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ -**

Construction Admin

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$ 140.00	$ -
Project Coordination (PLS)		Hrs.	$ 110.00	$ -
Project Coordination (PE)	8	Hrs.	$ 120.00	$ 960.00
Standard Two-Man Survey Crew		Hrs.	$ 110.00	$ -
CADD Technician		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 960.00**

Reimbersables

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$ 140.00	$ -
Project Coordination (PLS)		Hrs.	$ 110.00	$ -
Project Coordination (PE)		Hrs.	$ 120.00	$ -
Standard Two-Man Survey Crew		Hrs.	$ 110.00	$ -
CADD Technician		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 155.00**

Record Drawings

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$ 140.00	$ -
Project Coordination (PLS)		Hrs.	$ 110.00	$ -
Project Coordination (PE)		Hrs.	$ 120.00	$ -
Standard Two-Man Survey Crew	3	Hrs.	$ 110.00	$ 330.00
CADD Technician	8	Hrs.	$ 75.00	$ 600.00
TOTAL OF ALL TASKS				**$ 930.00**

Estimated Costs=	$ 12,745.00
Contingency	$ 1,274.00
Total Estimated Costs=	**$ 14,019.00**

0.0%	Norman responsibility	$0.00
100.0%	ODOT responsibility	$14,019.00

AGREEMENT
FOR
ENGINEERING SERVICES

This AGREEMENT, between NORMAN UTILITIES AUTHORITY (Owner) and Cardinal Engineering, Inc. (Engineer);

WITNESSETH

WHEREAS Owner intends to modify or relocate approximately 2,400 feet of existing waterlines along Highway 9, generally between 24th and 36th Avenue SE, in preparation for roadway widening project. (the Project).

WHEREAS, Owner requires survey, design, and engineering services in connection with the Project (the Services); and,

WHEREAS, Engineer is prepared to provide said Services; and

NOW THEREFORE, in consideration of the promises contained in this Agreement, Owner and Engineer agree as follows:

ARTICLE 1 - EFFECTIVE DATE

The effective date of this Agreement shall be October, 11/13 2012.

ARTICLE 2 - COMPLETION DATE

Engineer shall complete the Services in accordance with Attachment A, Schedule.

ARTICLE 3 - GOVERNING LAW

This Agreement shall be governed by the laws of the state of Oklahoma.

ARTICLE 4 - SERVICES TO BE PERFORMED BY ENGINEER

Engineer shall perform the Services described in Attachment B, Scope of Services.

ARTICLE 5 - COMPENSATION

Owner shall pay Engineer in accordance with Attachment C, Compensation.

ARTICLE 6 - OWNER'S RESPONSIBILITIES

6.1 Owner-Furnished Data: Upon request, Owner will provide to Engineer maps, plans or records pertinent to the Project and available from the Owner's files. If requested by Owner,

Engineer shall make copies of data provided and promptly return originals to the Owner. Engineer will reasonably rely upon the accuracy, timeliness, and completeness of the information provided by Owner.

6.2 Access to Facilities and Property: Owner will make its facilities accessible to Engineer as required for Engineer 's performance of its Services.

6.3 Timely Review: Owner will examine Engineer 's studies, reports, sketches, drawings, specifications, proposals, and other documents; and transmit Owner comments or other decisions to Engineer in a timely manner.

6.4 Meetings: Owner will participate in meetings with Engineer or contractor(s) defined in Scope of Services.

6.5 Advertisements, Permits, and Access: Unless otherwise agreed to in the Scope of Services, Owner will obtain, arrange, and pay for all advertisements for bids; permits and licenses required by local, state, or federal authorities; and land, easements, rights-of-way, and access necessary for Engineer 's Services or Project construction.

ARTICLE 7 - STANDARD OF CARE

Engineer shall exercise the same degree of care skill and diligence in the performance of the Services as is ordinarily possessed and exercised by a professional engineer under similar circumstances. The Engineer shall correct the Services which fail to satisfy this standard of care. No warranty, express or implied is included in this Agreement or in any drawing, specifications report or opinion produced pursuant to this Agreement.

ARTICLE 8 - LIABILITY AND INDEMNIFICATION

8.1 General. Having considered the potential liabilities that may exist during the performance of the Services, the benefits of the Project and the Engineer's fee for the Services and in consideration of the promises contained in this Agreement, Owner and Engineer agree to allocate and limit such liabilities in accordance with this Article.

8.2 Indemnification. Engineer and Owner each agrees to defend, indemnify and hold harmless each other it's agents and employees, from and against legal liability for all claims, losses, damages and expenses to the extent such claims, losses, damages, or expenses are caused by its negligent acts, errors or omissions. In the event such claims, losses, damages or expenses are caused by the joint or concurrent negligence of Engineer and Owner, such liability shall be borne by each party in proportion to it's own negligence.

8.3 Employee Claims. Engineer shall indemnify Owner against legal liability for damages arising out of claims by Engineer's employees. Owner shall indemnify Engineer against legal liability for damages arising out of claims by Owner's employees.

8.4 Consequential Damages. To the fullest extent permitted by law, Engineer shall not be liable to Owner for any special, indirect or consequential damages resulting in any way from the performance of the Services.

8.5 Survival. Upon completion of all Services obligations and duties provided for in this Agreement or if this Agreement is terminated for any reason the terms and conditions of this Article shall survive.

8.6 Unanticipated Hazardous Materials. In the event hazardous material or waste is encountered by Engineer during the course of performing its services, and conditioned upon the fact that Owner did not previously advise Engineer of the existence thereof, then and in that event:

a. Engineer will stop its own work in the affected portions of the Project and notify Owner within a reasonable time following such discovery to permit testing and evaluation. Engineer will, if requested by Owner, conduct tests to determine the extent of the problem and will perform the necessary studies and recommend necessary remedial measures at an additional fee with contract terms to be negotiated.

b. Owner shall indemnify, defend and hold Engineer, its officers, directors, agents, servants and employees, harmless from any claim, demand or action brought by any third party which is based upon injury or damage caused by said hazardous material or waste.

ARTICLE 9 - INSURANCE

During the performance of the services under this agreement engineer shall maintain the following insurance:

9.1 Comprehensive General Liability insurance coverage with a minimum of $100,000 per accident for bodily injury or death and $25,000 per occurrence for property damage.

9.2 Comprehensive Automobile Liability insurance coverage with a minimum of $100,000 per accident for bodily injury or death and $25,000 for property damage.

9.3 Workers Compensation insurance in accordance with statutory requirements and Employers' Liability Insurance with limits of not less than $500,000 for each occurrence.

9.4 Professional Liability (errors and omissions) insurance providing a minimum policy value of $1,000,000.

Engineer shall furnish Owner certificates of insurance which shall include a provision that such insurance shall not be canceled without at least thirty days written notice to Owner. All Project contractors shall be required to include Owner and Engineer as additional insured on their General Liability Insurance policies.

Engineer and Owner each shall require its insurance carriers to waive all rights of subrogation against the other and its directors, officers, partners, commissioners, officials, agents and employees for damages covered by property insurance during and after the Services. A similar provision shall be incorporated into all contractual arrangements entered into by Owner and shall protect Owner and Engineer to the same extent.

ARTICLE 10 - LIMITATIONS OF RESPONSIBILITY

Engineer shall not be responsible for: (1) construction means, methods, techniques, sequences, procedures or safety precautions and programs in connection with the Project; (2) the failure of any contractor, subcontractor, vendor or other Project participant, not under contract to Engineer, to fulfill contractual responsibilities to the Owner or to comply with federal, state or local laws, regulations,

and codes; or (3) procuring permits, certificates and licenses required for any construction unless such responsibilities are specifically assigned to Engineer in Attachment B, Scope of Services.

ARTICLE 11 - OPINIONS OF COST AND SCHEDULE

Since Engineer has no control over the cost of labor, materials or equipment furnished by others or over the resources provided by others to meet Project schedules, Engineer's opinion of probable costs and of Project schedules shall be made on the basis of experience and qualifications as a professional engineer. Engineer does not guarantee that proposals, bids, or actual Project costs will not vary from Engineer's costs estimates.

ARTICLE 12 - REUSE OF DOCUMENTS

Upon Owner's request Engineer shall furnish Owner with specified drawings and/or data on electronic media. All documents, including but not limited to, drawings, specifications and computer software prepared by Engineer pursuant to this Agreement are instruments of Service in respect to the Project. They are not intended or represented to be suitable for reuse by Owner or others on extensions of the Project or on any other project unless specifically assigned to Engineer in Attachment B, Scope of Services.

ARTICLE 13 - TERMINATION

This Agreement may be terminated by either party upon written notice in the event of substantial failure by the other party to perform in accordance with the terms of this Agreement. The non-performing party shall leave fifteen calendar days from the date of the termination notice to cure or to submit a plan for cure acceptable to the other party.

Owner may terminate or suspend performance of this Agreement for Owner's convenience upon written notice to Engineer. Engineer shall terminate or suspend performance of the Services on a schedule acceptable to Owner. If termination or suspension is for Owner's convenience, Owner shall pay Engineer for all the Services performed to date, amount not to exceed the normal fee amount due for the services rendered and termination or suspension expenses. Upon restart, an equitable adjustment shall be made to Engineer's compensation.

ARTICLE 14 - DELAY IN PERFORMANCE

Neither Owner nor Engineer shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the non-performing party. For purposes of this Agreement, such circumstances include, but are not limited to abnormal weather conditions; floods; earthquakes; fire; epidemics; war; riot and other civil disturbances; strikes, work slowdowns and other labor disturbances; sabotage; judicial restraint; and inability to procure permits, licenses, or authorizations from any local, state, or federal agency for any of the supplies, materials, accesses, or services required to be provided by either Owner or Engineer under this Agreement.

Should such circumstances occur the non-performing party shall, within a reasonable use of being prevented from performing, give written notice to the other party describing the circumstances

preventing continued performance and the efforts being made to resume performance of this Agreement.

ARTICLE I5 - COMMUNICATIONS

Any communication required by this Agreement shall be made in writing to the address specified below:

Engineer:

Bill Swain, P.E., P.L.S.
Cardinal Engineering, Inc.
3226 Bart Conner Drive
Norman, OK 73072
(405) 579-0655 (office)
(405) 366-8540 (fax)
bills@cardinalengineers.com

Owner:

Jim Speck, P.E., P.L.S
Capital Projects Engineer
Norman Utilities Authority
P.O. Box 370
Norman OK 73070
(405) 217-7778
jim.speck@ norman.ok.gov

Nothing contained in this Article shall be construed to restrict the transmission of routine communications between representatives of Engineer and Owner.

ARTICLE 16 - WAIVER

A waiver by either Owner or Engineer of any breach of this Agreement shall be in writing. Such a waiver shall not affect the waiving party's rights with respect to any other or further breach.

ARTICLE 17 - SEVERABILITY

The invalidity, illegality, or unenforceability of any provision of this Agreement or the occurrence of any event rendering any portion or provision of this Agreement void shall in no way affect the validity or enforceability of any other portion or provision of this Agreement. Any void provision shall be deemed severed from this agreement, and the balance of this Agreement shall be construed and enforced as if this Agreement did not contain the particular portion or provision held to be void. The parties further agree to amend this Agreement to replace any stricken provision with a valid Provision that comes as close as possible to the intent of the stricken provision. The provisions of this Article shall not prevent this entire Agreement from being void should a provision which is of the essence of this agreement be determined void.

ARTICLE 18 - INTEGRATION

This Agreement represents the entire and integrated agreement between Owner and Engineer. It supersedes all prior and contemporaneous communications, representations, and agreements, whether oral or written, relating to the subject matter of this Agreement. The following attachments and schedules are hereby made a part of this Agreement:

Attachment A -Schedule
Attachment B - Scope of Services
Attachment C - Compensation

ARTICLE 19 - SUCCESSORS AND ASSIGNS

Owner and Engineer each binds itself and its directors, officers, partners, successors, executors, administrators, assigns, and legal representatives to the other party to this Agreement and to the directors, officers, partners, successors, executors, administrators, assigns, and legal representatives of such other party in respect to all provisions of this Agreement.

IN WITNESS WHEREOF, OWNER and ENGINEER have executed this AGREEMENT.

DATED this _____ day of _____ 20_____.

Cardinal Engineering, Inc. - Engineer

By: _____

Title: Vice-President

ATTEST

_____

Vice President

NORMAN UTILITIES AUTHORITY - Owner

APPROVED as to form and legality this 5 day of November, 2012.

_____
City Attorney

APPROVED by the Trustees of the Norman Utilities Authority this 13th day of November, 2012.

By: _____

Title: Chairman

_____
Secretary

NORMAN TAX INCREMENT FINANCE AUTHORITY OFFICIAL SEAL ATTEST OKLAHOMA

NORMAN UTILITIES AUTHORITY OFFICIAL SEAL OKLAHOMA

ATTACHMENT A

TIME SCHEDULE FOR SCOPE OF SERVICES PERFORMANCE

The Engineer shall, within 30 calendar days following the "Notice to Proceed", Submit the 50% Plans to the Owner. Then within 60 calendar days of receipt of the Preliminary Plan approval the Engineer shall Submit 100% Plans and Specifications. Within 14 calendar days of receipt of comments the Engineer shall make all requested changes to the plans and Submit Final Plans and Specifications to the Owner for approval.

ATTACHMENT B

SCOPE OF SERVICES

Cardinal Engineering has responded to a request by the Utilities Department to prepare Waterline plans along Highway 9 between Sta. 235+00 and 297+00, J/P 20266(06) as outlined below. The services to be performed, per the Item numbers as listed in the "Field Meeting Report City of Norman, J/P 20266(06) Utilities, STPY-114A (101) UT" dated December 14, 2011, under this Agreement consist of Items 1-9 listed below.

(Item #1):
(a) Prepare plans to lengthen the existing 42" encasement conduit to account for the increased roadway width.

(Item #2):
(a) Prepare plans to lengthen the existing 18" encasement conduit to account for the increased roadway width.

(Item #3):
(a) Prepare plans to lengthen the existing 42" encasement conduit to account for the increased roadway width.

(Item #4):
(a) Relocate the existing 12" waterline from under the proposed shoulder to the utility corridor as defined by in the Field Meeting Report.

(Item #5):
(a) Relocate the existing 12" waterline around the proposed storm improvements.

(Item #6):
(a) Prepare plans to lower the existing 8" waterline below the proposed storm improvements.

(Item #7):
(a) Prepare a written request to ODOT requesting they redesign the proposed storm depth to allow the existing waterline to remain undisturbed.
(b) However if not approved, prepare plans to lower the existing 12" waterline below the proposed storm improvements.

(Item #8):
(a) Prepare plans to lower and realign the existing 12" waterline to allow for proposed storm improvements.

(Item #9):
(a) Prepare plans to provide bollards around or raise the existing MH to provide protection during construction.

(Item #10):
(a) Prepare plans to extend the encasement conduit on the existing 12" waterline or realign the existing 12" waterline if necessary under 36th Avenue SE.

In reference to the above listed scope items we will perform the following:

DESIGN SURVEY

Lemke Land Survey (a division of Cardinal Engineering) will provide isolated additional topo survey as required for the preparation of the waterline plans. No ROW acquisition is anticipated or included in the fee estimate. No additional boundary work, property line staking, or easement searches are included in the estimate.

WATER LINE DESIGN

Cardinal Engineering will prepare water line plans, and details necessary for the permitting and construction of the water line relocation project. The plans are anticipated to include Plan & Profile sheets for approximately 2200 lineal feet of water line. The general scope of the project is to relocate existing waterlines or extend the protective casing where necessary.

BID DOCUMENTS & BID ADMINISTRATION

Cardinal Engineering will prepare all documents necessary for the advertising, bidding and award of the project. Cardinal Engineering will assist the City as requested in facilitating pre-bid meetings, bid tabulations, bid award recommendations, etc.

CONSTRUCTION ADMINISTRATION

Cardinal Engineering will perform various bid administration tasks including: submittal review, progress meeting attendance, RFI review & response, progress payment review, final inspection, etc.

RECORD DRAWINGS

At the completion of the project, a field survey will be conducted to locate all surface features (e.g. water valves, hydrants, etc.) of the completed project. This survey, along with any contractor noted adjustments to buried components will be the basis for the preparation of as-built documents. These documents will be delivered in pdf format, Autocad format, and hard copy as requested by the City.

REIMBURSABLE EXPENSES

Cardinal Engineering has estimated the reimbursable costs resulting from printing and reproduction costs. This estimate does not include any reimbursable costs other than anticipated printing and reproduction.

SPECIFIC EXCLUSIONS FROM THE SCOPE OF SERVICES:

- **Construction Staking** – All construction surveying services are excluded from this fee estimate.
- **Construction Inspection**
- **Sub-Consultants** – Although not anticipated to be necessary, the fee estimate does not include potential costs associated with structural engineering, geotechnical engineering, utility pot-hole location services, etc.

ATTACHMENT C

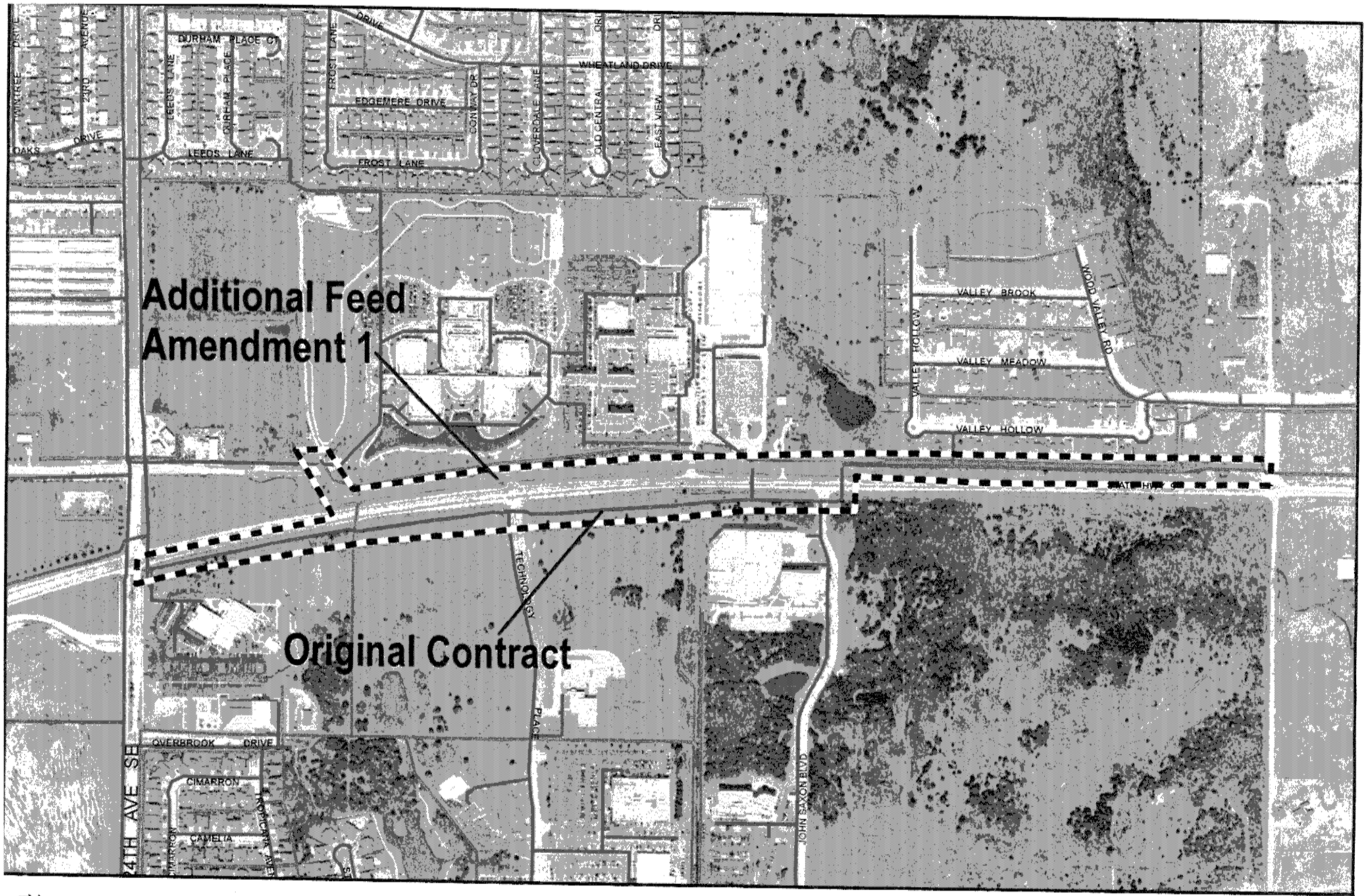
Compensation

The engineer will receive estimated time and material compensation for the project of $47,100. The total fee will be broken down as follows:

(Item #1)	$2,300 ESTIMATE
(Item #2)	$4,200 ESTIMATE
(Item #3)	$1,900 ESTIMATE
(Item #4)	$22,100 ESTIMATE
(Item #5)	$2,300 ESTIMATE
(Item #6)	$3,300 ESTIMATE
(Item #7)	$1,000 ESTIMATE
(Item #8)	$6,700 ESTIMATE
(Item #9)	$0
(Item #10)	$3,300 ESTIMATE
Total Fees	$47,100 ESTIMATE

Note: If additional tasks are identified and agreed upon by the Capital Projects Engineer, this agreement may be amended to include additional tasks. Amendment will be approved by the NORMAN UTILITIES AUTHORITY prior to initiation of any additional items.

The Engineer may submit interim statements, not to exceed one per month, for partial payment for Services rendered. The statements to owner will be for all work actually completed. The Owner shall make interim payments within 45 days of receipt of invoice in response to Engineer's interim statements.



Map produced by the City of Norman
GIS Services Division

The City of Norman assumes no responsibility for errors or omissions in the information presented.

March 13, 2013

Highway 9 Utility Relocation Project Additional 12" Feed
Project # WA0191

Project Area — Water Mains — Sewer Mains

N
W E
S

0 300 600 Feet

PURCHASE REQUISITION NBR: 0000214407

STATUS: DIVISION APPROVAL

REQUISITION BY: WEBB G
REASON: HWY 9 WATER LINE RELOCATION PROJECT
DATE: 3/13/13

SHIP TO LOCATION: P W - UTILITIES DIRECTOR
SUGGESTED VENDOR: 1512 CARDINAL ENGINEERING INC
DELIVER BY DATE: 4/30/13

1	HWY 9 WATER LINE RELOCATION COMMODITY: ARCHITECTURAL AND ENGINEE SUBCOMMOD: DESIGNING SERVICES	14019.00	DOL	1.0000	14019.00	

REQUISITION TOTAL: 14019.00

A C C O U N T I N F O R M A T I O N

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	03197274626201	Capital Projects Design	WA0191 Hwy 9 Wtr Line Relocation	100.00	14019.00
					14019.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

AMENDMENT NO. 1 TO CONTRACT K-1213-119 CONTINGENT
ON NUA APPROVAL 3-26-13.

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: K-1213-178

File ID: K-1213-178	**Type:** Contract	**Status:** Consent Item
Version: 1	**Reference:** Item No. 26	**In Control:** City Council
Department: Public Works Department	**Cost:** $10,500.00	**File Created:** 03/11/2013
File Name: Project Agmt with Cambridge Addition		**Final Action:**

Title: CONTRACT NO. K-1213-178: A STORM WATER SYSTEM REPAIRS AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CAMBRIDGE ESTATES HOME OWNERS ASSOCIATION, INC., FOR THE CITY'S SHARE OF STORM WATER SYSTEM DRAINAGE FLUME REPAIRS LOCATED IN CAMBRIDGE ADDITION, SECTION V.

Notes: ACTION NEEDED: Motion to approve or reject Contract No. K-1213-178 with Cambridge Estates Home Owners Association, Inc.; and, if approved, authorize the execution thereof and direct payment for the City's 50/50 share in an amount not-to-exceed $10,500 to Cambridge Estates Home Owners Association, Inc.

ACTION TAKEN: _____

Agenda Date: 03/26/2013

Agenda Number: 26

Attachments: Text File Cambridge HOA, K-1213-178, Cambridge HOA Status Ltr to Director Of Public Works (Partnership in Flume Repairs).pdf, Attachment to Cambridge HOA Ltr, Flume Repairs (Drawings & Quotes) .PDF, JW Dansby ltr Cambridge flood appl.pdf, Cambridge Addn V.pdf, Cypress Lake-2013-1b-Graphic.pdf

Project Manager: Rick Schlechter, Stormwater Engineer

Entered by: pam.jones@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File K-1213-178

body

BACKGROUND: The plat of Cambridge Addition, Section V, was approved by the City Council in July 26, 1994. As indicated on the plat, Block "A" and Block "B" are designated as open space areas and drainage easements to be maintained by the "*mandatory property owners association*". According to the records of the Cleveland County Assessor, the Cambridge Homeowners Association is the owner of record of Block "A" and Block "B".

Block "A" is a 5.10-acre parcel that contains a drainage channel that flows from 48th Avenue West to Cypress Lake located in the 18.04-acre Block "B". The total contributing drainage area upstream of the Cypress Lake outlet is approximately 250 acres, of which approximately 85 acres originates from portions of the Cambridge Addition west of 48th Avenue West. The remaining drainage area is located east of 48th Avenue West and includes portions of the following additions to the City of Norman - Brookhaven, Heritage Place, Cambridge Place, and Quailbrook.

As is the case for many homeowners associations (HOAs) and property owner associations (POAs) in Norman, the Cambridge Homeowners Association has been challenged by the magnitude, expense and complexity of maintaining and repairing drainage infrastructure located in privately-held land parcels and open space areas, or in public drainage easement areas in which the HOA/POA has committed to long term maintenance. In April 2009, the City issued Floodplain Permit No. 441 to the Cambridge HOA for the repair of a drainage outlet structure with timber headwall in the northeast portion of Cypress Lake. In March 2011, the City issued Floodplain Permit No. 481 to the Cambridge HOA for a similar project in the south-southeast portion of Cypress Lake.

Cambridge Homeowners Association's challenges related to the maintenance of drainage infrastructure were further and more comprehensively highlighted in November 2011 when they made application for a floodplain permit to repair or replace several drainage structures around Cypress Lake and the drainage channel that flows from 48th Avenue West to Cypress Lake. In the floodplain application materials, the Cambridge HOA explained further their intent to perform stream bank stabilization of the dam embankment located immediately adjacent to 10 Mile Flat Creek that impounds Cypress Lake, and to install improvements to repair and prevent erosion at the lake's outlet structure. Floodplain Permit No. 494 was approved to provide for the construction of the referenced drainage improvements when funds became available with the condition that Cambridge HOA submit plans for each individual project for review by the Public Works Department prior to construction.

On March 12, 2012, then-Council Member Hal Ezzell, Public Works Director Shawn O'Leary, Storm Water Engineer Bob Hanger, Cambridge HOA President Darrel Janaway, Cambridge HOA Board Member Robert Bruce, and HOA Engineering Advisor J.W. Dansby met to discuss the implementation of the various projects as well as the availability of City funds in support of the projects. The meeting's discussion was primarily whether the Cambridge HOA or the City of Norman is responsible for the repair and maintenance of storm drainage infrastructure within the privately-maintained greenbelts within Cambridge Addition.

DISCUSSION: The Cambridge HOA, in their January 14, 2013 letter to Public Works Director Shawn O'Leary, provided an update regarding the condition of two (2) drainage flumes that were in the most need of immediate repair. The Cambridge HOA expressed their opinion that, in consideration of the magnitude of scope and complexity of the flume replacement projects, and that one of the flumes is located across from the City of Norman's Todd 'Lee' Gottshall II Memorial Park and within the Norman Greenbelt System, City assistance is warranted for the design, construction and funding for the flume replacement project. The Cambridge HOA proposed and requested a cost share arrangement whereby the City and the Cambridge HOA would share equally in the construction costs of the flume replacement. Based on construction cost quotes solicited and provided by the Cambridge HOA, the total cost of replacing the 2 flumes is estimated not to exceed $20,450.

Regarding the matter of a 50/50 cost sharing arrangement between the City of Norman and the Cambridge HOA, neither City policy nor the City budget currently provide for such an arrangement. Further, the City's Storm Water Master Plan (SWMP), adopted by City Council in June 2011, establishes an "Enhanced Maintenance Program" to address these situations but the funding mechanism for the SWMP has not yet been implemented. One of the areas for improvement identified in the SWMP includes the earthen channel draining into Cypress Lake. If funding were put into place to further develop a City-wide drainage system, it is contemplated that privately held drainage easements such as this one, could be accepted by the City for future maintenance as part of the City's storm water drainage system. Even though establishment of a funding mechanism and dedication of the privately held drainage easements has not occurred, the Legal Department has advised that Council adoption of the SWMP containing a recognition of the importance of maintenance of these channels to the functioning of the City's overall storm water drainage system provides a legal basis upon which public funds can be expended for improvements within a privately held drainage easement, provided the owners of the privately held drainage easements have consented to the improvements. Oklahoma Constitution

Article 18, §14; *Helm v. Childers,* 75 P.2d 398, 399 (1938)(the term "public purpose" should not be interpreted in a narrow and restrictive sense); *Board of Commissioners v. Shaw,* 182 P.2d 507, 515 (1947)(a public purpose "affect [s] the inhabitants of the state or taxing district as a community, and not merely as individuals."); *Burkhardt v. City of Enid*, 771 P.2d 608, 610. Along these lines of thinking, the Legal Department has prepared Contract No. K-1213-178 "Agreement for Storm Water System Repairs". The Agreement sets forth the basic responsibilities of the City and the Cambridge HOA as follows:

Responsibilities of the City.

A. The City will perform the final design, bidding, and construction administration for this Project.

B. In addition to the services above, the City will contribute funds equal to fifty percent (50%) of the construction costs for the Project in an amount not to exceed $10,500.

Responsibilities of the HOA.

A. The HOA will contribute funds equal to fifty (50%) of the construction costs for the Project in an amount not to exceed $10,500. Such funds will be paid to the City within ten (10) days of award of the construction contract to the selected contractor.

B. The HOA agrees to continue to provide routine maintenance of the detention facilities and drainage channels contained within the HOA property.

The City's current storm water policies and past practices require private funding for improvements or maintenance of privately held drainage systems in subdivisions. The Contract before Council is not consistent with current policy, but does potentially address some problems identified in the SWMP. City staff also sees an opportunity to incorporate an alternative to the concrete flumes based on the City's recently adopted Storm Water Low Impact Design Manual. One alternative design might include a vegetated swale anchored in place with a turf reinforcement mat and/or ScourStop transition mat.

Since a funding mechanism, such as a storm water utility, does not currently exist, in the event the City Council desires to move forward with this project, a plausible funding source for the project and the 50/50 cost sharing arrangement may include existing budget capacity found in Project Number DR0013 Drainage - Miscellaneous Projects (account number 050-9967-431.61-01). Historically, this budget item is provided by City Council to address small, unplanned and unfunded drainage projects. Typical projects include repairing concrete flumes between houses in drainage easements, damaged or improperly sized storm sewer inlets, and installation of new storm sewer inlets. The current unencumbered balance of this project account is $43,785.

RECOMMENDATION NO 1: If Council desires to partner with the Cambridge HOA to accomplish improvements or maintenance to the storm water drainage facilities within privately held drainage easements, then Contract K-1213-178 "*Agreement for Storm Water System Repairs*" with Cambridge Homeowners Association, provides a mechanism for that type of partnership by recognizing the drainage improvements as part of the City-wide drainage system consistent with the SWMP.

RECOMMENDATION NO. 2: If Contract K-1213-178 "*Agreement for Storm Water System Repairs*" with Cambridge Homeowners Association is approved; staff recommends that City Council identify Project Number DR0013 Drainage - Miscellaneous Projects (account number 050-9967-431.61-01; project DR0013) as the source of funding to offset the City's share of the 50/50 cost share agreement.

AGREEMENT FOR STORM WATER SYSTEM REPAIRS

This Agreement for Storm Water System Repairs ("Agreement") is entered into as of the ____ day of _____, 2013, between the City of Norman, Oklahoma, a municipal corporation (the "City") and Cambridge Homeowners' Association of Norman, Inc., a domestic not-for-profit corporation ("HOA"), collectively the "Parties".

WITNESSETH:

WHEREAS, the City undertook a comprehensive review and analysis of flooding, water quality, and erosion over a period of four years aimed at reducing flooding dangers, protecting water quality, enhancing the environment and advancing recreational opportunities which culminated in the 2009 Storm Water Master Plan; and

WHEREAS, the Storm Water Master Plan recommended the implementation of a City stream maintenance program focused on those stream reaches and/or detention facility areas where capital improvements are constructed in order the protect those investments as well as in areas where serious problems have been identified; and

WHEREAS, the City formally accepted certain appendices to the Storm Water Master Plan through the adoption of Resolution No. R-0910-68 on November 10, 2009; and

WHEREAS, the City formally adopted the following principle as an underlying value for proceeding with the implementation of the Storm Water Master Plan through the adoption of Resolution No. R-0910-68: "Preservation of water quality and protection of private property from flooding and resulting damage for current and future residents of the City of Norman are the highest priority for governing storm water management"; and

WHEREAS, the City formally adopted the 2009 Storm Water Master Plan Final Report by Resolution No. R-1011-120 on June 28, 2011; and

WHEREAS, Resolution No. R-1011-120 established the study and creation of a Storm Water Utility with an appropriate rate structure approved by the voters as the next priority for the City Council and storm water management; and

WHEREAS, to date, a storm water utility has not been created and a rate structure has not been presented to the voters; and

WHEREAS, certain private detention ponds in Norman are built such that they receive drainage from a large regional area of Norman, including areas outside of the private development; and

WHEREAS, the Storm Water Master Plan recognized drainage problems in the Cambridge Addition and recommended approximately $255,000 of improvements to the

earthen channel draining into Cypress Lake, a large detention pond in the Cambridge Addition, which then drains into the Ten Mile Flat Creek; and

WHEREAS, without the recommended improvements in the Cambridge Addition, two drainage flumes have deteriorated to the point that major repair or replacement of the flumes is needed; and

WHEREAS, the HOA has approached the City about a cost sharing approach to balance the interests of the private property owners and the interests of the City.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

I. Project Scope. The purpose of this project is to repair or replace two drainage flumes in the Cambridge Addition as indicated on Exhibit A attached hereto.

II. Responsibilities of the City.

A. The City will perform the final design, bidding, and construction administration for this Project.

B. In addition to the services above, the City will contribute funds equal to fifty percent (50%) of the construction costs for the Project in an amount not to exceed $10,500.

III. Responsibilities of the HOA.

A. The HOA will contribute funds equal to fifty (50%) of the construction costs for the Project in an amount not to exceed $10,500. Such funds will be paid to the City within ten (10) days of award of the construction contract to the selected contractor.

B. The HOA agrees to continue to provide routine maintenance of the detention facilities and drainage channels contained within the HOA property.

[Remainder of Page Left Blank Intentionally]

IN WITNESS WHEREOF, this Agreement is entered into the ____ day of _____, 2013.

CAMBRIDGE HOMEOWNERS' ASSOCIATION OF NORMAN, INC.

By: _____
Name: Darrell F. Janaway
Title: President

Attest: _____

(Corporate Seal)

CITY OF NORMAN, OKLAHOMA

By: _____
Name: Cindy S. Rosenthal
Title: Mayor

Attest: _____
Clerk

(Seal)

Approved as to form and legality this 18 day of March, 2013.

_____
City Attorney

January 14, 2013

Mr. Shawn O'Leary
Norman Director of Public Works
201 West Gray, Bldg A.
Norman, OK 73069

Reference: Cambridge HOA Drainage Projects and Major Repairs of Drainage Channels and Flumes--Meeting in Councilman Hal Ezell's Office, March 20, 2012 (9:30 a.m.) (Participants: Councilman Hal Ezell, Director Shawn O'Leary, Flood Engineer Bob Hanger, Cambridge HOA President Darrell Janaway, HOA Board Member Robert Bruce and HOA Engineering Advisor J.W. Dansby)

Director O'Leary,

I'm writing you to provide an update from referenced meeting on the condition of the two drainage flumes, securing of quotes and drawings for major repair/replacement of said flumes, and calling upon our continued partnership in bringing the aforementioned storm-water flume repair projects to fruition.

Although several Cambridge HOA drainage plans/projects were discussed at the referenced meeting, the major repair or replacement of the flumes was the focus of the discussion due to the increasing storm-water runoff experienced by these drainage channels over preceding years. While Cambridge HOA continues to perform regular "grounds maintenance" in these flume areas, major and significant repairs can no longer be delayed without increased safety concerns, infrastructure risk, and repair cost. In the past six months, the subbase supporting the flumes have headcut greater than 10 foot back and eroded down greater than 2 foot (in some areas > 3 foot) causing the collapse and breakage of the cement flumes.

Based on the immediate need for major repairs, Cambridge solicited quotes and drawings from Opes Incorporated (a service provider to the City of Norman) on December 28, 2012 (see attachment). These quotes and drawings were provided to Mr. J.W. Danby ([405]-321-4049, JWDansby@email.com.) for review and coordination with Norman Public Works Department to facilitate approval. Note, the City granted permits last year for the projects, but the design had not been finalized at that time.

As part of our continued and growing partnership with the City of Norman in repairing the storm-water drainage infrastructure, Cambridge HOA requests a cost-sharing arrangement (50/50) for these flume projects. The location (next to Todd 'Lee' Gottshall II Memorial Park and within the Norman Greenbelt System) and the scope/complexity of the repairs within the drainage system warrants the City of Norman's assistance and will facilitate the accomplishment of the "right project" to help mitigate future erosion while handling the increase in storm water flowing through Cambridge drainage channels.

The Cambridge HOA and neighborhood residents look forward to hearing from the Department of Public Works and working together in completing these time-critical projects. We await the confirmation of the proposed cost-sharing and stand ready to execute the projects through Opes Inc. If you have any questions and/or need any additional insight, Mr. Janaway (HOA President) looks forward to and anticipates your call ([405] 408-6911).

Sincerely,

Mr. Robert A. Bruce
Cambridge HOA Board Member
5209 Lyon Street
Norman, OK 73072

Attachment:

Flume Drawings/Quotes—Opes Inc.

cc:

Councilmember (Ward 3), Mr. Robert Castleberry
Norman Parks Director, Mr. Jud Foster
Parks Representative (Ward 3), Ms. Joan Goth
Norman City Engineer, Mr. Scott Sturtz
Norman Storm Water Engineer, Mr. Rick Schlechter
Norman Action Center
Cambridge Homeowners Association President, Mr. Darrell Janaway
Cambridge HOA Engineering Advisor, Mr. J. W. Dansby

FAX TRANSMISSION

OPES, INC.
330 West Gray, Ste. 135
Norman, OK 73069
(405) 360-2911
Fax: (405) 360-2914

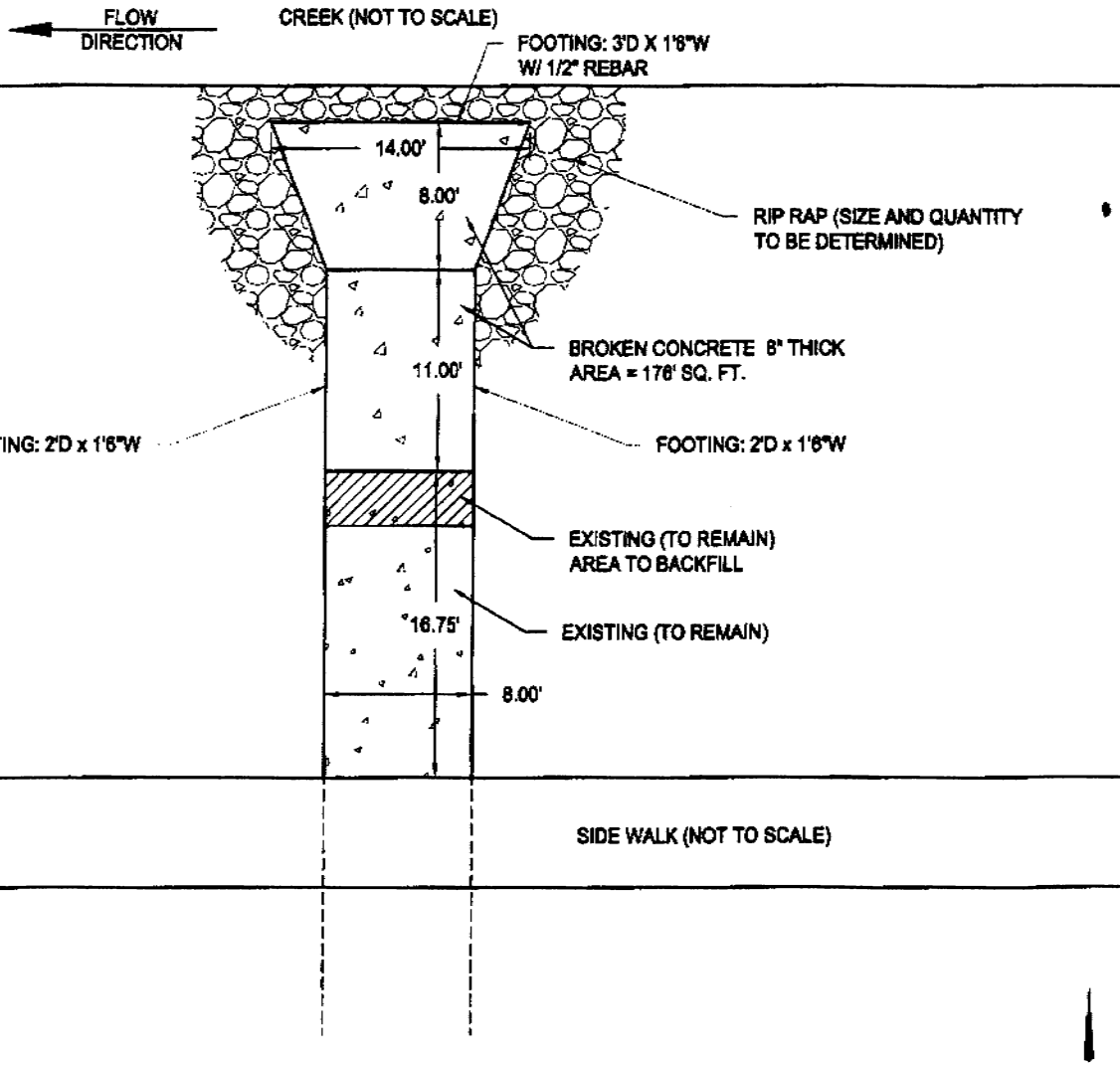
To:	J. W. Dansdy	**Date:**	December 19, 2012
Fax #:	321-4049	**Pages:**	3, including this cover sheet.
From:	Tomas Diaz		
Subject:	Flume Construction – Cambridge Addition		

Mr. Dansdy,

Attached, please find the subject mentioned above. If you have any questions, please call me. I'm estimating about $10,785.00 for Cypress Lake Construction and $9,460.00 for the Creek Construction.

Thanks.

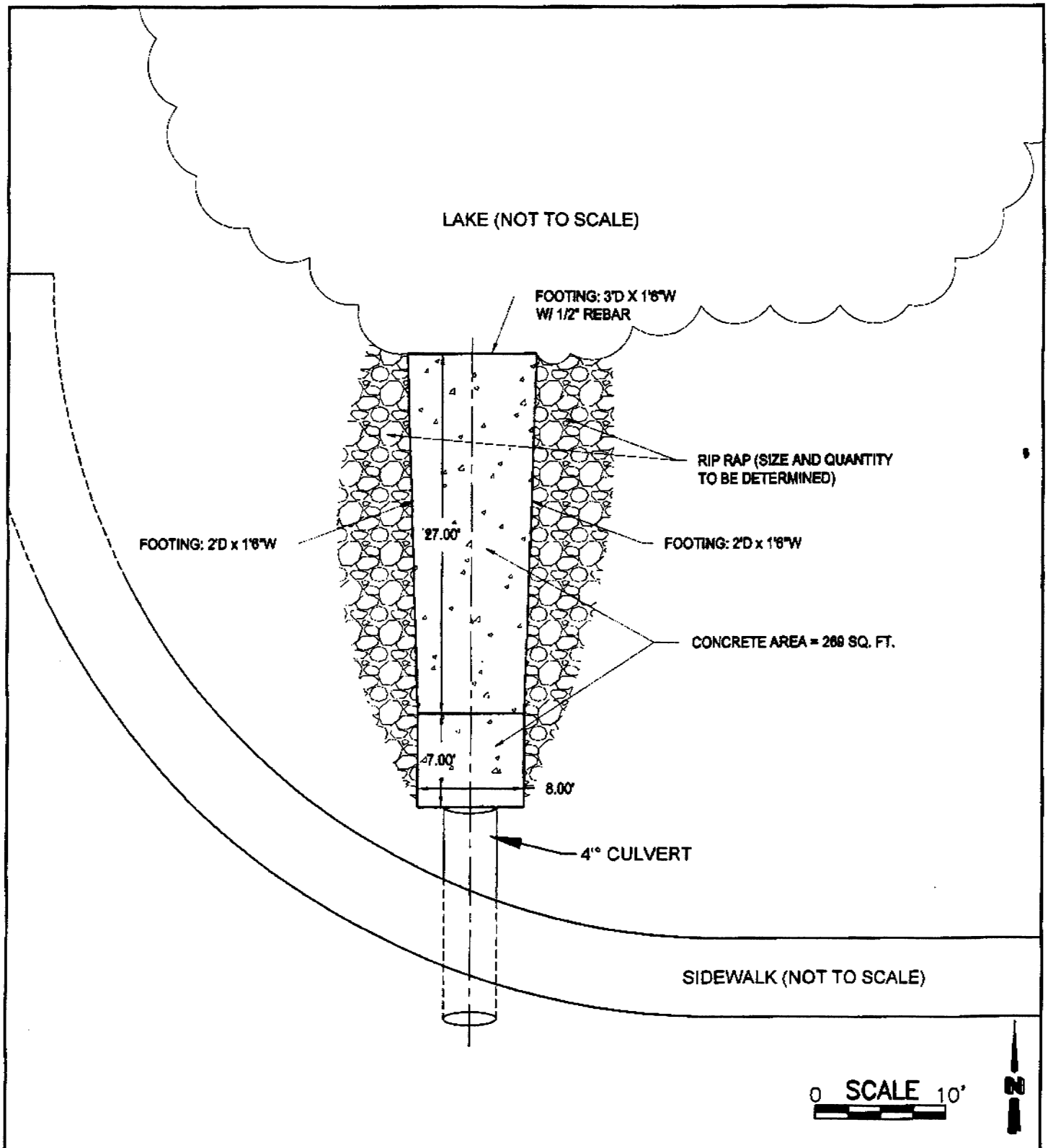
Tomas Diaz
OPES, INC.
Office: 405-360-2911
Cell: 405-659-5423



OPES, INC.

ORINOCO PETROLEUM & ENVIRONMENTAL SERVICES

LOCATION:	CREEK - CAMBRIDGE ADDITION NORMAN, OK		PROPOSED FLUME CONSTRUCTION
DESIGNED: TAD/ALD	DRAWN BY: JFH	SCALE: 1"=10'	
PROJ. NO:	DWG NO: 10648-1	DATE: 12/19/12	



OPES, INC.

ORINOCO PETROLEUM & ENVIRONMENTAL SERVICES

LOCATION:	CYPRESS LAKE - CAMBRIDGE ADDITION NORMAN, OK		PROPOSED FLUME CONSTRUCTION
DESIGNED: TAD/ALD	DRAWN BY: JFH	SCALE: 1"=10'	
PROJ. NO:	DWG NO: 10648-1	DATE: 12/19/12	

OPES, INC.

330 West Gray St.
Ste. 135
Norman, Ok 73069-7118
405-360-2911

Date	Invoice #
12/28/2012	12093

Bill To
Darrell Janaway 5012 Deerhurst Norman, OK 73072

P.O. No.	Terms	Project
	10 days	

Description	Qty	Rate	Amount
Preparation of Flume Drawings for Cypress Lake and Creek at the Cambridge Addition Park (Site Maps attached)	2	50.00	100.00
Performed field measurements to do Take-Off of project and submitted estimates and AutoCad Drawings to J. W. Dansby. (Estimates did not include Rip-Rap since it needed to be determined)	4	100.00	400.00
		Total	$500.00

We appreciate your business. A 1.5% late charge will be applied to balances past 30 days.

J. W. Dansby
Civil and Environmental Engineer

Mr. Todd McLellan
Development Engineer
City of Norman
201-C, West Gray
Norman, OK 73071

November 1, 2011

RE: Flood Plain Certification
Cypress Lake and Channel
Norman, Oklahoma 73034

Dear Mr. McLellan:

The proposed improvements consist of repair and/ or replacement of several drainage structures around the lake and channel that flows into the lake from the east. Also, there are areas around the discharge structure and adjacent creek channel on the west side of the lake that are encroaching into the toe of the embankment on the downstream side of the dam. There is also a wood retaining wall on the northeast corner of the lake that needs to be replaced since it is leaning across a walking path. These areas are designated as Lots A and B on the Cambridge Addition plat.

The proposed improvements in the channel and inlets to the lake consist of replacement of flumes that have been undercut and have failed as well as providing erosion protection in areas that need better erosion control. All of the inlets to the lake, retaining walls and channel improvements are in the 100 year flood plain. All of the proposed improvements will bring the existing structure back to original grade. The Cambridge Homeowners Association is also considering dredging some of the sand out of the lake that has accumulated in front of the inlets.

The dam on the west side of the lake, the outlet structure and adjacent creek are in the flood way based on the FEMA map. Improvements in this area consist of providing erosion protection to prevent erosion of the outside toe of the dam due to meandering of the adjacent creek and improvements to stop erosion at the outlet structure. All of the areas will be brought back to existing conditions prior to any erosion occurring.

No rise in the BFE will occur due to these improvements since the areas where the improvements are proposed will be repaired and brought back to the original slopes and grades before the erosion occurred.

2202 Westpark Drive Suite B, Norman, Oklahoma 73069
Telephone/Fax: (405) 321-4049 Email: jwdansby@email.com

Pictures are attached. If you have any questions, or require additional information, please call.

Sincerely,

J.W. Dansby, P.E.
Civil Engineer

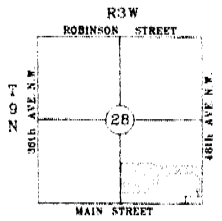
LIST OF PICTURES

Picture No.	Description
1.	Undercut of flume at drainage structure and retaining wall to be replaced.
2.	Bank erosion that needs to be repaired along creek.
3.	undercut and failed flume at drainage structure.
4.	Sand bar and area where additional erosion protection is needed at inlet to the lake.
5.	Aerial Photo showing Cypress Lake and areas that need improvements.
6.	Aerial Photo showing channel to the east and areas that need improvements.

2202 Westpark Drive Suite B, Norman, Oklahoma 73069
Telephone/Fax: (405) 321-4049 Email: jwdansby@email.com

CAMBRIDGE ADDITION
SECTION V

BEING A PART OF THE SE/4, SEC. 28, T9N - R3W, I.M., NORMAN, CLEVELAND COUNTY, OKLAHOMA



Vicinity Map

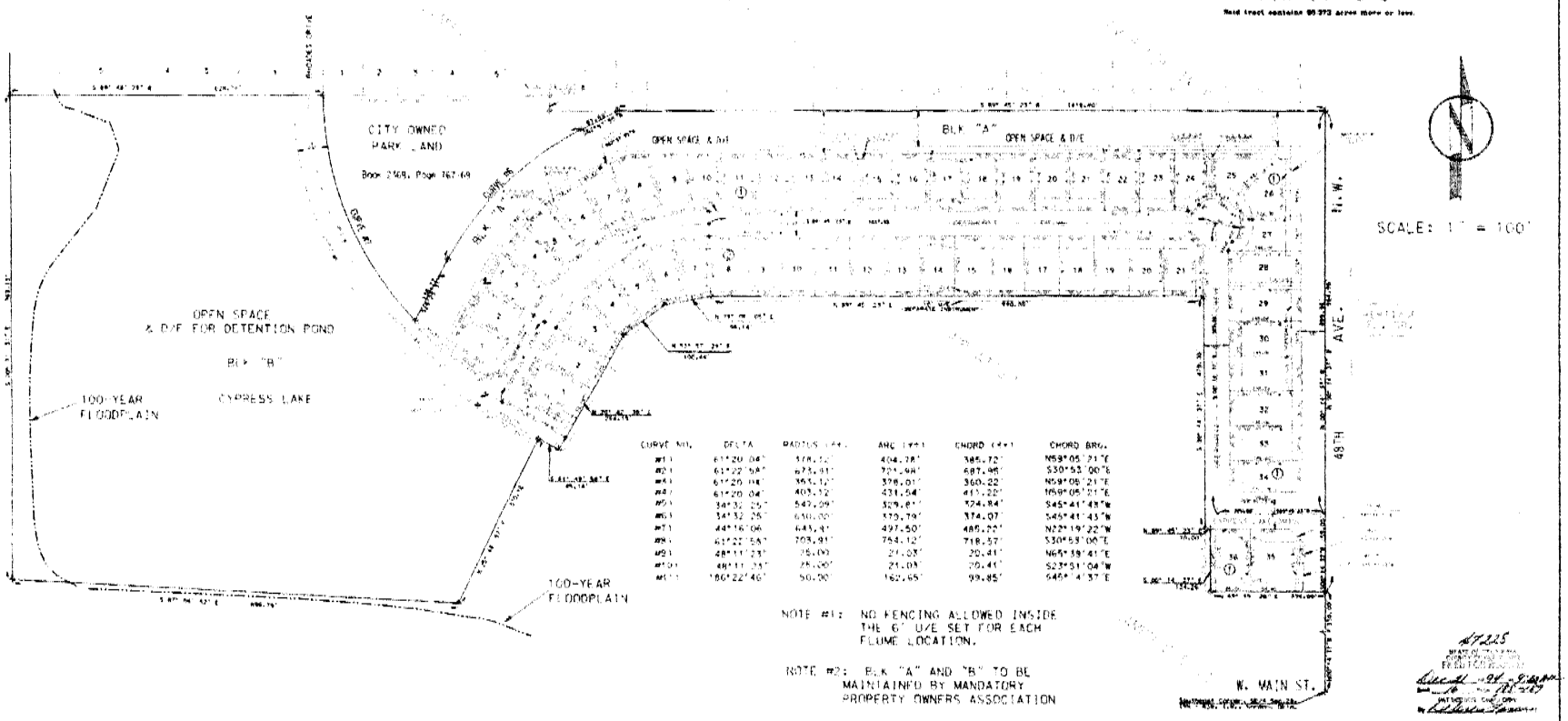
LEGAL DESCRIPTION

A part of the SE/4 of Section 28, T9N-R3W I.M., Norman, Oklahoma, more particularly described as follows.

Commencing at the SE corner of said SE 1/4, thence N 00° 14' 37" W a distance of 330.00 feet to the point or place of beginning.

Thence N 00° 14' 37" W a distance of 984.96 feet;
Thence S 00° 48' 23" W a distance of 1419.48 feet;
Thence S 62° 57' 55" W a distance of 81.69 feet;
Thence along a curve to the left a distance of 379.76 feet;
Said curve has a DELTA - 54°52'25", RADIUS - 600.00 feet
CHORD - 374.07 feet, and a Chord Bearing of S49°41'43"W;
Thence N 26° 35' 31" W a distance of 158.17 feet;
Thence along a curve to the right a distance of 497.50 feet;
Said curve has a DELTA - 44°16'06", RADIUS - 643.91 feet,
CHORD - 485.22 feet, and a Chord Bearing of N22°19'22"W;
Thence S 00° 48' 29" W a distance of 828.70 feet;
Thence S 00° 14' 31" E a distance of 980.13 feet;
Thence S 87° 06' 52" E a distance of 808.79 feet;
Thence N 26° 48' 57" E a distance of 370.18 feet;
Thence S 61° 49' 58" E a distance of 48.14 feet;
Thence N 26° 48' 59" E a distance of 264.19 feet;
Thence N 58° 57' 49" E a distance of 100.44 feet;
Thence N 79° 06' 05" E a distance of 95.14 feet;
Thence S 00° 45' 23" E a distance of 990.00 feet;
Thence S 00° 14' 37" E a distance of 470.00 feet;
Thence S 00° 45' 23" E a distance of 10.00 feet;
Thence S 00° 14' 37" E a distance of 124.81 feet;
Thence N 00° 45' 23" E a distance of 235.00 feet to the point or place of beginning.

Said tract contains 99.373 acres more or less.



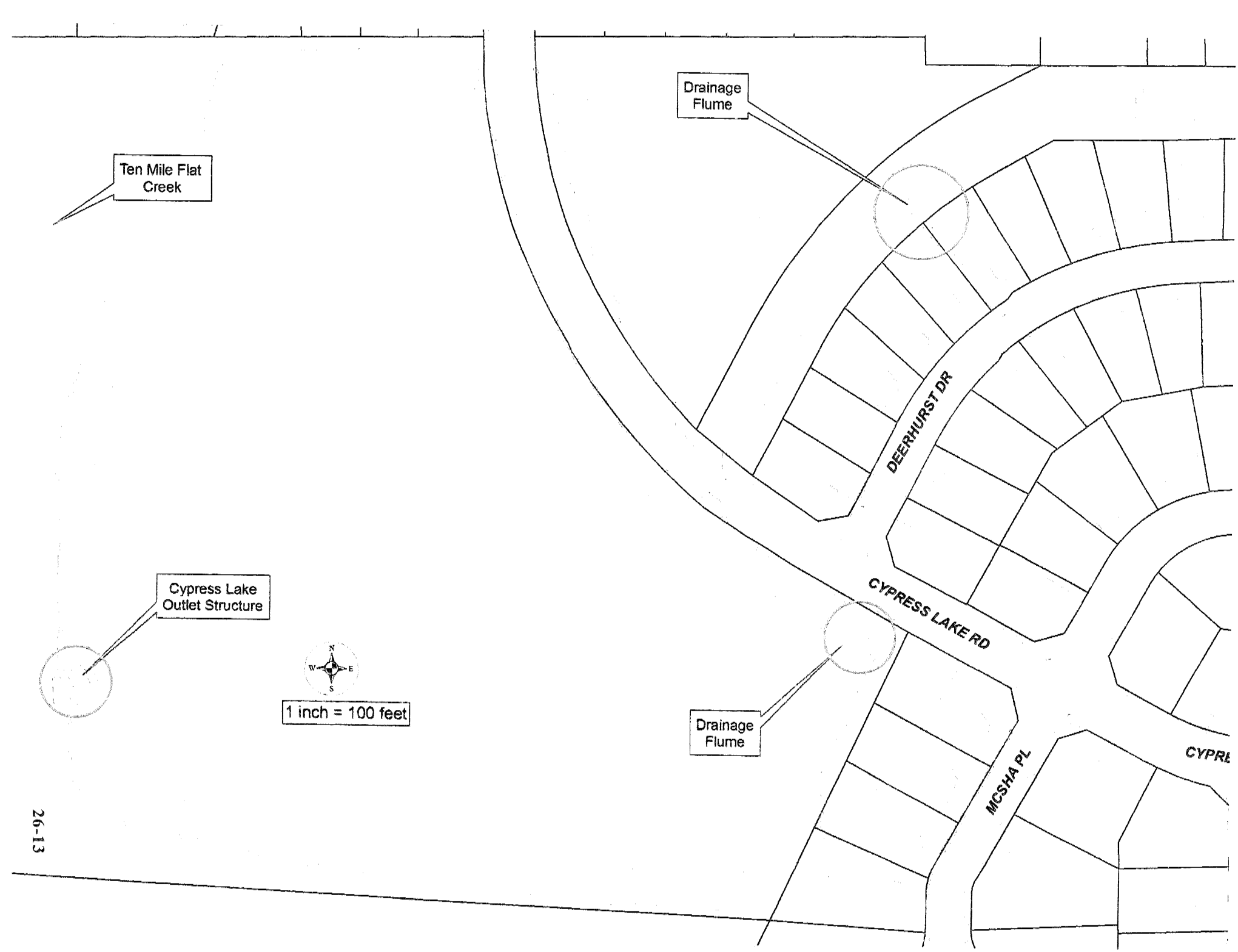
CURVE NO.	DELTA	RADIUS (FT.)	ARC (FT.)	CHORD (FT.)	CHORD BRG.
#1	61°20'04"	378.12'	404.78'	385.72'	N59°05'21"E
#2	61°22'58"	673.91'	721.98'	687.96'	S30°53'00"E
#3	61°20'04"	353.12'	378.01'	360.22'	N59°05'21"E
#4	61°20'04"	403.12'	431.54'	411.22'	N59°05'21"E
#5	34°32'25"	547.09'	329.81'	324.84'	S45°41'43"W
#6	34°32'25"	630.00'	379.79'	374.07'	S45°41'43"W
#7	44°16'06"	643.91'	497.50'	485.22'	N22°19'22"W
#8	61°22'58"	703.91'	754.12'	718.57'	S30°53'00"E
#9	48°11'23"	25.00'	21.03'	20.41'	N65°39'41"E
#10	48°11'23"	25.00'	21.03'	20.41'	S23°51'04"W
#11	186°22'46"	50.00'	162.65'	99.85'	S45°14'37"E

NOTE #1: NO FENCING ALLOWED INSIDE THE 6' U/E SET FOR EACH FLUME LOCATION.

NOTE #2: BLK "A" AND "B" TO BE MAINTAINED BY MANDATORY PROPERTY OWNERS ASSOCIATION

47225

CAMBRIDGE ADDITION, SECTION V - FINAL PLAT PAGE 2 OF 2


Drainage Flume
Ten Mile Flat Creek
DEERHURST DR
CYPRESS LAKE RD
Cypress Lake Outlet Structure
N
W
E
S
1 inch = 100 feet
Drainage Flume
MCSHA PL
CYPRI

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: K-1213-179

File ID:	K-1213-179	**Type:**	Contract	**Status:**	Consent Item
Version:	2	**Reference:**	Item No. 27	**In Control:**	City Council
Department:	Police Department	**Cost:**		**File Created:**	03/12/2013
File Name:	Pass Thru Grant - MOU with OKOHS			**Final Action:**	

Title: CONTRACT NO. K-1213-179: A MEMORANDUM OF UNDERSTANDING WITH THE OKLAHOMA OFFICE OF HOMELAND SECURITY REGARDING GRANT FUNDS IN THE AMOUNT OF $175,000 RECEIVED FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY TO BE ASSIGNED TO THE OKLAHOMA STATE BUREAU OF INVESTIGATION (OSBI) TO CONTINUE SUPPORT OF INFORMATION SHARING AND EXCHANGE SYSTEMS.

Notes: ACTION NEEDED: Motion to approve or reject Contract No. K-1213-179 with the Oklahoma Office of Homeland Security; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Agenda Date: 03/26/2013

Agenda Number: 27

Attachments: Text File MOU Pass Thru, K-1213-179

Project Manager: Jim Spearman, Police Standards Administrator

Entered by: jim.spearman@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File K-1213-179

Body

BACKGROUND: In most instances, the United States Department of Homeland Security guidelines require 80% of grant funds to be awarded to local units of government. If approved by the City of Norman and the other Oklahoma partner local units of government of Oklahoma City, Tulsa, and Stillwater, a portion of the funds may be retained by the State if those funds are to be used for the benefit of local units of government. In order to accomplish this, the State must obtain an agreement with all partner cities through a Memorandum of Understanding (MOU) as part of the state's application for the grant. The City of Norman or other partner local units of government will not receive funds from this grant now but could be offered a portion as sub-grantees later in the year if the state grant application is approved. This MOU, and similar MOUs from the other partner units of local government, is required for the state's grant application.

DESCRIPTION: The City of Norman is an important partner in the State of Oklahoma's Fusion Center. The Fusion Center is a central repository of law enforcement sensitive information that is housed and managed by OSBI. Other local partners include the City of Oklahoma City, Tulsa and Stillwater.

The Norman Police Department employs a fusion center analyst using funding provided in a direct grant from the Oklahoma Office of Homeland Security (OKOHS) to the City of Norman. In addition, Norman PD is actively involved in the Oklahoma Automated Secure Information Sharing System (OASIS) and the Oklahoma Law Enforcement Information Exchange (OKLeX). These initiatives provide state and local law enforcement professionals with important tools to facilitate better communication and timely access to critical data.

The OKOHS has designated $175,000 in Local FY 2012 FEMA/DHS grant funding for the sustainment of various information sharing initiatives to pay salaries, benefits and related costs including training of five fusion center analysts and one Critical Infrastructure/Key Resource position. These expenditures will directly benefit the citizens of Norman as well as citizens throughout the entire state.

While much of the prior year information sharing systems cost has been paid using "State" homeland security funding (in addition to OSBI's significant direct and indirect investment in these programs using OSBI's State of Oklahoma budgeted funding), an ever decreasing federal homeland security funding level makes continued funding of system sustainment impossible without the use of local homeland security funding.

The OKOHS respectfully requests that this MOU be approved so they can continue to provide resources that will benefit the entire State. This MOU will assign $175,000 in grant funds to OSBI and OKOHS to fund continuing maintenance, expansion and support of information sharing initiatives, including but not limited to the Fusion Center, OASIS and OKLeX. The OSBI will be responsible for grant accounting and reporting.

RECOMMENDATION: It is recommended that this MOU be signed and returned to the Oklahoma Office of Homeland Security.

Contract No. K-1213-179

MEMORANDUM OF UNDERSTANDING
2012 STATE HOMELAND SECURITY PROGRAM
DESIGNATION OF THE STATE AS THE AGENT FOR THE LOCAL SHARE OF GRANT FUNDING

Generally, DHS guidelines require 80% of Homeland Security funds to be awarded to local units of government. However, if requested by a local jurisdiction, the State may retain a portion of "Local" grant funds for equipment used by the State and/or for planning, exercises and training activities that are coordinated by the State for the benefit of local units of government.

I, as the duly authorized official of the City of Norman, Oklahoma (the "City") have read and understood the Federal FY 2012 Homeland Security Grant Program (the "2012 Grant") Guidance and Application Kit, which can be found at the following web address:

http://www.fema.gov/government/grant/hsgp/index.shtm

On behalf of the City, I hereby accept $175,000.00 of 2012 Grant Local funding and assign this funding to the State of Oklahoma, specifically the Oklahoma State Bureau of Investigation ("OSBI"), Oklahoma Department of Public Safety ("DPS") and the Oklahoma Office of Homeland Security ("OKOHS"), to fund (1) continuing maintenance, expansion and support of information sharing initiatives, including but not limited to the OASIS and OKLeX programs, (2) planning and operational oversight costs of the fusion center, which include salary and benefits of the fusion center analysts as well as the Critical Infrastructure Key Resource analyst and (3) cost associated with planning and completion of the threat and hazard identification risk assessment.

Program Title: Oklahoma Automated Secure Information Sharing System ("OASIS")
Oklahoma Law Enforcement Information Exchange ("OKLeX")

Description: OASIS is an information-sharing database/network and set of analytical tools currently deployed by OSBI in cooperation with the various state and local law enforcement agencies for the purpose of combating terrorism and other major crimes. The OKLeX Program is an information sharing program designed to help law enforcement officials do their job more effectively and efficiently. Funds will be used for info sharing and critical infrastructure protection related projects, including but not limited to salary/benefit costs.

Local Authorizing Official/Point of Contact for the City:

Name: Cindy Rosenthal

Position: Mayor, City of Norman

Signature: _____

Date: _____

Phone/E-mail: (405) 366-5402

State Administrative Agency (SAA) Official/Point of Contact:

Name: Kim Edd Carter

Oklahoma Homeland Security Director

Signature: Kim Edd Carter

Date: 2-8-13

Return to: Oklahoma Office of Homeland Security (OKOHS)
Post Office Box 11415
Oklahoma City, OK 73136
405.425.7296
405.425.7295 (Fax)

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: R-1213-95

File ID:	R-1213-95	**Type:**	Resolution	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 28	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	01/22/2013
File Name:	TJ Food and Fuel Land Use Plan Amendment			**Final Action:**	

Title: RESOLUTION NO. R-1213-95: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, LAND USE PLAN AMENDMENT NO. LUP-1213-7, SO AS TO PLACE LOTS 37 AND 38, BLOCK 3, LARSH'S UNIVERSITY ADDITION, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE COMMERCIAL DESIGNATION AND REMOVE THE SAME FROM THE OFFICE DESIGNATION. (768 SOUTH JENKINS AVENUE)

THE APPLICANT HAS SUBMITTED A LETTER REQUESTING POSTPONEMENT UNTIL JUNE 11, 2013.

Notes: ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-95, Land Use Plan Amendment No. LUP-1213-7; and, if adopted, amend the Norman 2025 Land Use and Transportation Plan thereto.

ACTION TAKEN: _____

Agenda Date: 03/26/2013

Agenda Number: 28

Attachments: Email requesting postponement, Text File R-1213-95, R-1213-95, GreekHouse_2025 Map, Greek House 2025 Staff Report 2, Greek House Aerial Photo, Predevelopment Mohammed, 2-14-13 PC Minutes - Greek House, Email requesting postponement

Project Manager: Jane Hudson, Principal Planner

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

1	Planning Commission	02/14/2013	Recommended for Adoption at a subsequent City Council Meeting	City Council	03/12/2013	Fail

Action Text: A motion was made by Commissioner Sherrer, seconded by Commissioner Pailes, that this Resolution be Recommended for Adoption at a subsequent City Council Meeting to the City Council , due back on 3/12/2013. The motion failed by the following vote:

Text of Legislative File R-1213-95

Body

ANALYSIS: The 2025 Plan identified two criteria that must be examined before a land use change is approved.

1. ***There has been a change in circumstances resulting from development of properties in the general vicinity that suggest that the proposed change will not be contrary to the public interest.***

The majority of the area around Campus Corner is completely developed. There are some small areas that are available for in-fill development; however, those areas are limited. On average the development and businesses that do establish in the Campus Corner area are projects that go into existing buildings or there are those that demolished and rebuilt. The structure on this site was built in 1971. The buildings around this site to the north and south were established well before this structure was built, around the 1930's to 1940's. There are offices to the south zoned C-1, Local Commercial District, with a Land Use designation of Office. A commercial strip mall to the east was built in 1970 and is zoned C-1, Local Commercial District, with a Land Use designation of Commercial. There are two residential uses directly across the street to the east zoned R-3, Multi-Family Dwelling District and the Land Use designation is Low Density Residential. There is a second commercial strip mall to the northeast, zoned RO, Residence-Office District with Land Use designation of Office. The property to the north, abutting this lot, is zoned R-3, Multi-Family Dwelling District and the Land Use designation is Low Density Residential. There is a commercial strip mall to the west built in 1986 and zoned C-1, Local Commercial District with a Land Use designation of Commercial. All of the commercial uses along this portion of Boyd and Jenkins Avenue have been in place for many years. However, the parking for this entire corner has never been adequate as it is such a busy area of Campus. The traffic at Boyd and Jenkins Avenue is very congested and although they have designated parking areas for each of the businesses in this area the parking count does not meet ordinance requirements.

This site is 6,910 square feet with a 3,169 square foot building existing on the site and the remainder of the lot is paved. With the existing building, the available area for parking is limited. The parking requirement for this facility was established under the requirement noted on the building permit issued in December of 1969, "the parking must meet 200 square feet of area of the building for each parking space." The minimum parking requirements for this site, at that time, should have been thirteen spaces. The applicant stated in the application submittal there are fifteen spaces. However, the total current parking count for this site is nine spaces. There are six parallel parking spaces the customers can utilize along the south side of the building. There are three more spaces which abut the building along the west side along the alley. There is an area on the east side of the building that customers use for parking but this is not an approved parking area as it is in the right-of-way. The applicant has not demonstrated how additional parking can be provided as required for the C-2, General Commercial District. The requirement for support of an application is to show there has been a change in circumstances resulting from development of properties in the general vicinity that suggest the proposed change will not be contrary to the public interest in that area. This area has been in its current built state for many, many years. The impact of additional traffic, increase/impact of allowed commercial uses in this area would be contrary to the residential neighbors as well as the public interest.

2. ***There is a determination that the proposed change would not result in adverse land use or adverse traffic impacts to surrounding properties or the vicinity.***

Norman's General Plan (1964) was amended in 1966 to allow for a "high density mixed use zoning district." That district was the RO, Residence-Office District. The intent of the Plan amendment was to provide an eastern boundary of commercial development in the Campus Corner area. The boundary that was established at that time was the alley between DeBarr Avenue and Jenkins Avenue.

In August of 1967, a rezoning request was submitted for this parcel. The owner at that time had requested to rezone from R-3, Multi-Family Dwelling District to RO, Residence-Office with permissive use for a commercial parking lot. The request was granted under Ordinance No. 1995. The parking lot was never constructed. In October of 1969 a second rezoning request was submitted for this parcel. The owner requested rezoning from RO, Residence-Office to C-1, Local Commercial District. This request was not supported by staff and the applicant withdrew the request. In December of 1969, a building permit was issued for this site. The zoning was designated RO, Residence-Office and the building permit was issued for office/mercantile lacking any residential component.

The COMPLAN replaced the original General Plan as the long-range policy document controlling development. It did not call for the expansion of the Campus Corner Commercial area. It retained the medium density residential designation along Jenkins Avenue. The City's detailed policy statement for this area was the Central Core Plan, which was prepared by the consulting firm of Barton-Aschman Associates in 1984. That effort was an intense study of the central area of Norman that focused on the many problems and conflicts, and outlined several strategies for enhancing or protecting its best aspects. The Central Core Plan saw the Campus Corner commercial area as unique in Norman and recommended that it be contained by a Mixed Use District. This recommendation equated to a zoning district that was designed to be unique to this area, the RO District, a high density residential district which would allow a mix of limited offices, convenience goods stores and personal service establishments in conjunction with residential uses to provide for an orderly transition to the surrounding residential areas around Campus Corner.

Staff went out on-site to verify some of the square footages noted in the applicant's submittal; staff's calculations varied slightly in favor of the applicant. The Greek House is about 1,512 square feet with 720 square feet of customer service area, 38-40 chairs for customers. The calculation for parking requirements for 720 square feet is fourteen parking places. The area for the proposed bar and smoke shop is 768 square feet. The applicant has not submitted a final interior design plan for the bar and smoke shop but if he utilizes 500 square feet of customer service area then ten parking places will be required. The applicant stated the two businesses, Greek House and the bar/smoke shop would not be open at the same time keeping parking requirements to a minimum. The effects of this plan change, if granted, could go far beyond the border of this property. Granting this change would condone commercial expansion along Jenkins increasing and destabilizing the residential property north on Jenkins Avenue. Although the applicant's request is to renovate the existing property for an additional use of a bar and smoke shop, it is important to note that a Plan change and commercial rezoning to C-2, General Commercial District would not limit the owners of this property to the particular proposed use. If the request for a change in land use and commercial zoning is granted to this property, the size and character of allowed uses could greatly increase from the more limited uses allowed in the present R-O, Residence-Office District to the allowed uses in C-2, General Commercial District; this would create an adverse land use and traffic impacts to surrounding properties.

STAFF RECOMMENDATION: The majority of the area around this business is zoned C-1, Local Commercial District, a less intense zoning district with less intense use as opposed to the requested C-2, General Commercial District. There are existing parking and traffic issues in the Campus Corner area. Increasing the zoning use in an already heavily impacted area creates additional problems for the existing residents and businesses. In keeping with the goals of the 2025 Land Use and Transportation Plan, staff does not support the applicant's request for a change to the Land Use Plan from Office Designation to Commercial Designation. Staff recommends denial of Resolution No. R-1213-95. One letter of protest was received from the immediately adjacent property to the south, which comprised a 4.5% protest. The Planning Commission, at their February 14, 2013 meeting, by a vote of 1-6, recommended that Resolution No. R-1213-95 not be adopted.

Brenda Hall

Subject: FW: POSTPONE CITY COUNCIL ITEM ON MARCH 26 FOR GREEK HOUSE REZONING

From: Sean Rieger [mailto:sp@riegerllc.com]
Sent: Monday, March 18, 2013 10:48 AM
To: Brenda Hall; Ellen Usry
Cc: Greg Jungman; Cindy Rosenthal
Subject: POSTPONE CITY COUNCIL ITEM ON MARCH 26 FOR GREEK HOUSE REZONING

Hi Brenda and Ellen,
The Applicant for the below item, to be on second reading at City Council on March 26, requests to postpone the second reading hearing to the June 11, 2013 City Council meeting. Please include this request in the Agenda Book and please let me know if you need anything else from Applicant to submit postponement. Thank you, best wishes, Sean.

O-1213-30 CONSIDERATION OF ORDINANCE NO. O-1213-30 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE LOTS 37 AND 38, BLOCK 3, LARSH'S UNIVERSITY ADDITION TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT WITH SPECIAL USE FOR A BAR, LOUNGE OR TAVERN, AND REMOVE THE SAME FROM THE RO, RESIDENCE-OFFICE DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (768 SOUTH JENKINS AVENUE)

Attachments: Text File O-1213-30

O-1213-30

GreekHouse Location Map

Staff Report T & J Fuel O-1213-30

Greek House Aerial Photo

Greek House Protest

2-14-13 PC Minutes - Greek House

Sean Paul Rieger
Attorney ▪ Architect ▪ Broker

THE RIEGER LAW GROUP PLLC

Resolution

R-1213-95
LUP-1213-7

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, **LAND USE PLAN AMENDMENT NO. LUP-1213-7**, SO AS TO PLACE LOTS 37 AND 38, BLOCK 3, LARSH'S UNIVERSITY ADDITION, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE COMMERCIAL DESIGNATION AND REMOVE THE SAME FROM THE OFFICE DESIGNATION. (768 JENKINS AVENUE)

§ 1. WHEREAS, the Council of the City of Norman recognizes citizens' concerns about the future development of Norman; and

§ 2. WHEREAS, the City Council at its meeting of December 19, 2004, reviewed and adopted the NORMAN 2025 Land Use and Transportation Plan; and

§ 3. WHEREAS, TJ Food & Fuel has requested that the following described property be moved from the Office Designation and placed in the Commercial Designation for the hereinafter-described property, to wit:

Lots 37 and 38, Block 3, LARSH'S UNIVERSITY ADDITION to the City of Norman, Cleveland County, Oklahoma.

Said property contains .1586-acre tract.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

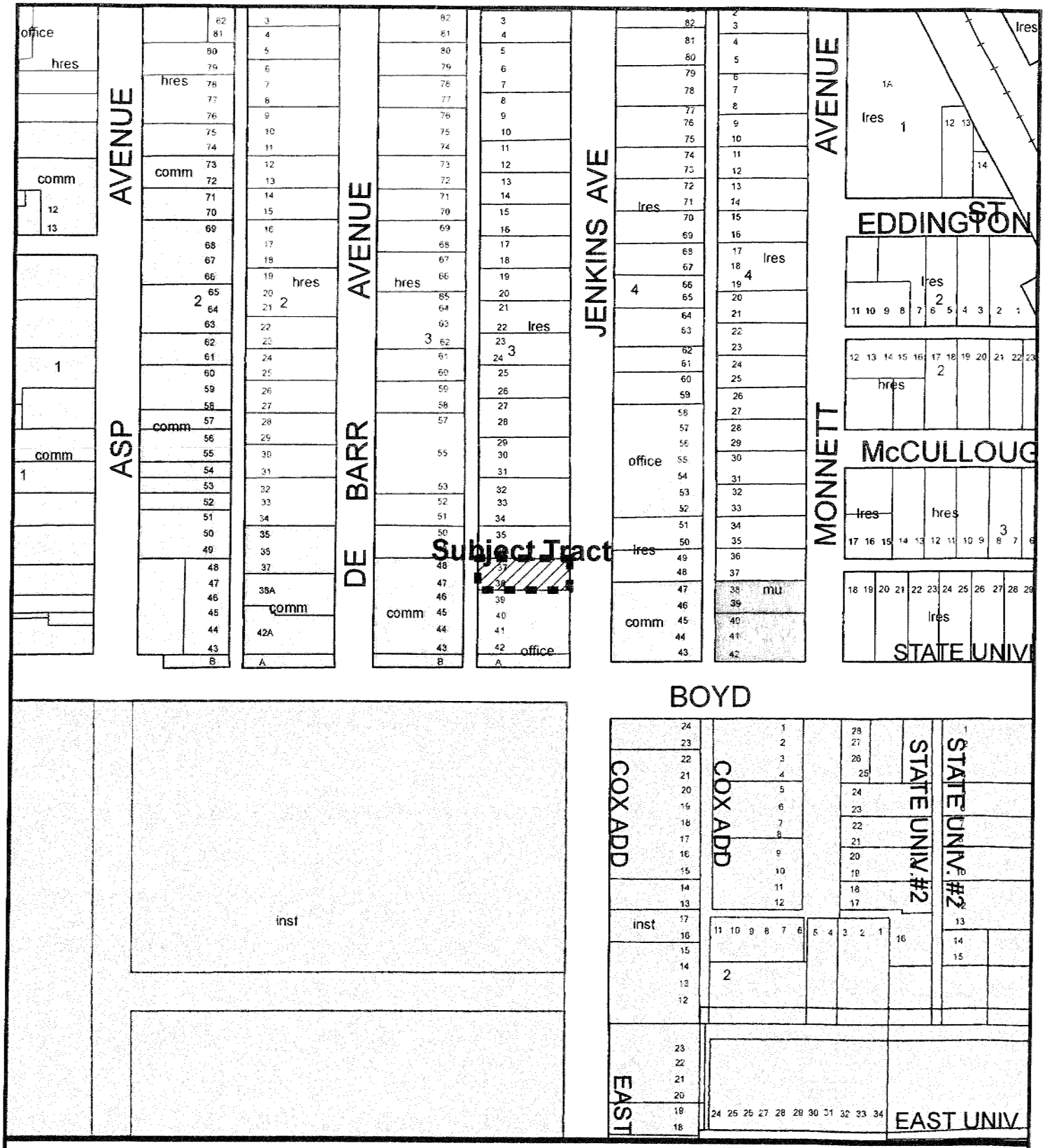
§ 4. That the Council of the City of Norman recognizes the need to control the future growth of the City of Norman; and, that after due consideration has determined that the requested amendment to the NORMAN 2025 Land Use and Transportation Plan should be adopted, and does hereby approve the requested designation.

PASSED AND ADOPTED this _____ day of _____, 2013.

_____
(Mayor)

ATTEST:

_____
(City Clerk)



Norman 2025 Land Use Plan

Map Produced by the City of Norman
Geographic Information System.
(405) 366-5316
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.

N W E S

February 7, 2013

0 100 200 Ft.

Subject Tract

Zoning

RESOLUTION NO. R-1213-95 ITEM NO. 6a

STAFF REPORT

ITEM: TJ Food & Fuel, dba Greek House, requests amendment of the NORMAN 2025 Land Use and Transportation Plan (LUP-1213-7) from Office Designation to Commercial Designation for property located at 768 Jenkins Avenue.

SUMMARY OF REQUEST: The applicant, Mohammed Reza Tajbakhsh, recently purchased the property located at 768 Jenkins Avenue. The current building has six separate exterior doors which might house up to six separate businesses within this building. Currently, the only business on-site is the Greek House Restaurant. The applicant would like to move forward with adding an additional use to his current location. The applicant requests amendment of the NORMAN 2025 Land Use and Transportation Plan from Office Designation to Commercial Designation on this tract of land. There is an associated rezoning request for this site as well. The applicant is requesting rezoning from RO, Residence-Office District to C-2, General Commercial District with a Special Use for a Bar or Tavern.

ANALYSIS: The 2025 Plan identified two criteria that must be examined before a land use change is approved.

1. ***There has been a change in circumstances resulting from development of properties in the general vicinity that suggest that the proposed change will not be contrary to the public interest.*** The majority of the area around Campus Corner is completely developed. There are some small areas that are available for in-fill development; however, those areas are limited. On average the development and businesses that do establish in the Campus Corner area are projects that go into existing buildings or there are those that demolish and rebuild. The structure on this site was built in 1971. The buildings around this site to the north and south were established well before this structure was built, around the 1930's to 1940's. There are offices to the south zoned C-1, Local Commercial District, with a Land Use designation of Office. A commercial strip mall to the east was built in 1970 and is zoned C-1, Local Commercial District, with a Land Use designation of Commercial. There are two residential uses directly across the street to the east zoned R-3, Multi-Family Dwelling District and the Land Use designation is Low Density Residential. There is a second commercial strip mall to the northeast, zoned RO, Residence-Office District with Land Use designation of Office. The property to the north, abutting this lot, is zoned R-3, Multi-Family Dwelling District and the Land Use designation is Low Density Residential. There is a commercial strip mall to the west built in 1986 and zoned C-1, Local Commercial District with a Land Use designation of Commercial. All of the commercial uses along this portion of Boyd and Jenkins Avenue have been in place for many years. However, the parking for this entire corner has never been adequate as it is such a busy area of Campus. The traffic at Boyd and Jenkins Avenue is very congested and although they have designated parking areas for each of the businesses in this area the parking count does not meet ordinance requirements.

This site is 6,910 square feet with a 3,169 square foot building existing on the site and the remainder of the lot is paved. With the existing building, the available area for parking is limited. The parking requirement for this facility was established under the requirement noted on the building permit issued in December of 1969, "the parking must meet 200 square feet of area of the building for each parking space." The minimum parking requirements for this site, at that time, should have been thirteen spaces. The applicant stated in the application submittal there are fifteen spaces. However, the total current parking count for this site is nine spaces. There are six parallel parking spaces the customers can utilize along the south side of the building. There are three more spaces which abut the building along the west side along the alley. There is an area on the east side of the building that customers use for parking but this is not an approved parking area as it is in the right-of-way. The applicant has not demonstrated how additional parking can be provided as required for the C-2, General Commercial District. The requirement for support of an application is to show there has been a change in circumstances resulting from development of properties in the general vicinity that suggest the proposed change will not be contrary to the public interest in that area. This area has been in its current built state for many, many years. The impact of additional traffic, increase/impact of allowed commercial uses in this area would be contrary to the neighbors as well as the public interest.

2. ***There is a determination that the proposed change would not result in adverse land use or adverse traffic impacts to surrounding properties or the vicinity.*** Norman's General Plan (1964) was amended in 1966 to allow for a "high density mixed use zoning district." That district was the RO, Residence-Office District. The intent of the Plan amendment was to provide an eastern boundary of commercial development in the Campus Corner area. The boundary that was established at that time was the alley between DeBarr Avenue and Jenkins Avenue.

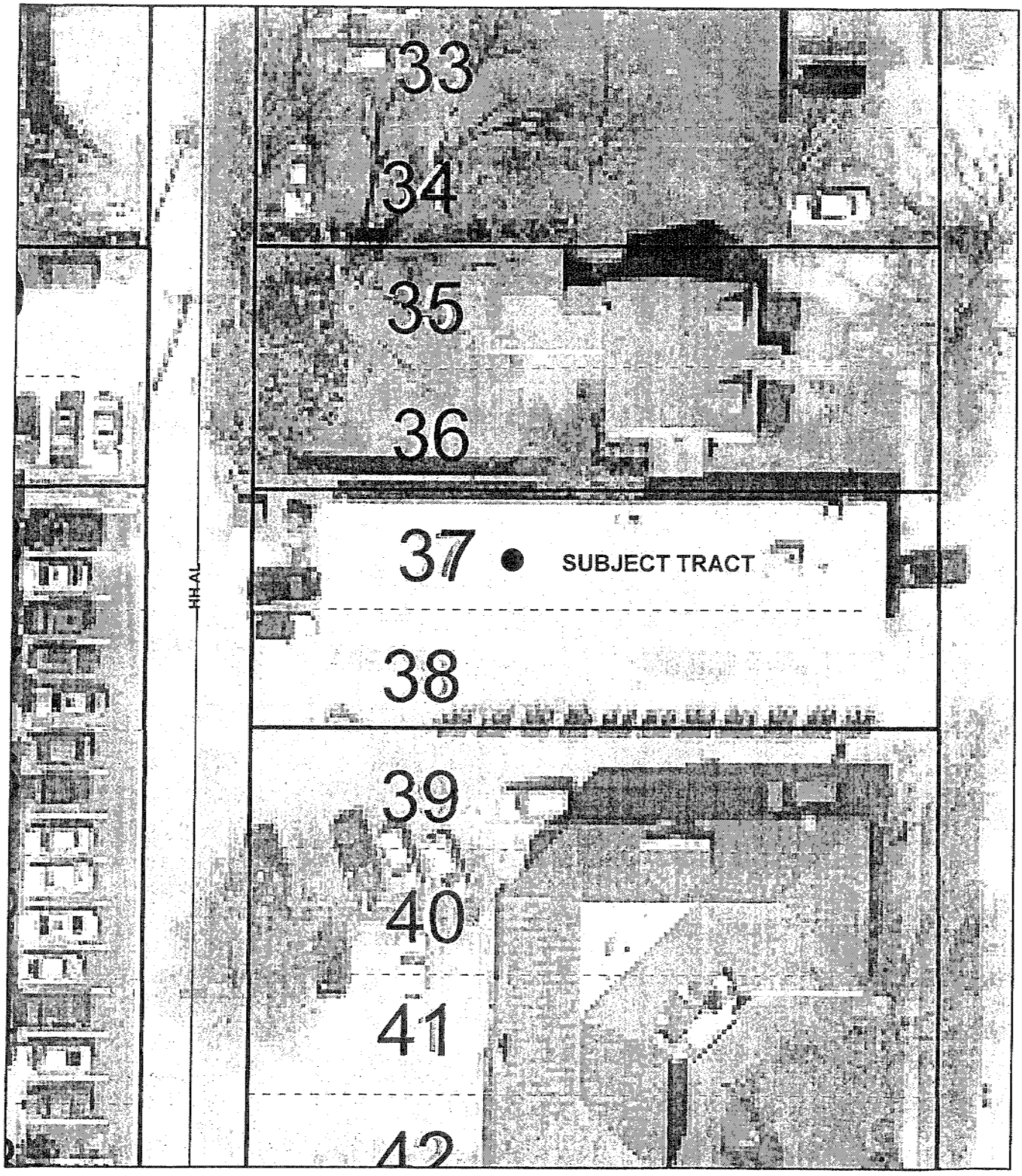
In August of 1967, a rezoning request was submitted for this parcel. The owner at that time had requested to rezone from R-3, Multi-Family Dwelling District to RO, Residence-Office with permissive use for a commercial parking lot. The request was granted under Ordinance No. 1995. The parking lot was never constructed. In October of 1969 a second rezoning request was submitted for this parcel. The owner requested rezoning from RO, Residence-Office to C-1, Local Commercial District. This request was not supported by staff and the applicant withdrew the request. In December of 1969, a building permit was issued for this site. The zoning was designated RO, Residence-Office and the building permit was issued for office/mercantile lacking any residential component.

The COMPLAN replaced the original General Plan as the long-range policy document controlling development. It did not call for the expansion of the Campus Corner Commercial area. It retained the medium density residential designation along Jenkins Avenue. The City's detailed policy statement for this area was the Central Core Plan, which was prepared by the consulting firm of Barton-Aschman Associates in 1984. That effort was an intense study of the central area of Norman that focused on the many problems and conflicts, and outlined several strategies for enhancing or protecting its best aspects. The Central Core Plan saw the Campus Corner commercial area as unique in Norman and recommended that it be contained by a Mixed Use District. This recommendation equated to a zoning district that was designed to be unique to this area, the RO District, a high density residential district which would allow a mix of limited offices, convenience goods stores and personal service establishments in conjunction with residential uses to provide for an orderly transition to the surrounding residential areas around Campus Corner.

Staff went out on-site to verify some of the square footages noted in the applicant's submittal; staff's calculations varied slightly in favor of the applicant. The Greek House is about 1,512 square feet with 720 square feet of customer service area, 38-40 chairs for customers.

The calculation for parking requirements for 720 square feet is fourteen parking places. The area for the proposed bar and smoke shop is 768 square feet. The applicant has not submitted a final interior design plan for the bar and smoke shop but if he utilizes 500 square feet of customer service area then ten parking places will be required. The applicant stated the two businesses, Greek House and the bar/smoke shop would not be open at the same time keeping parking requirements to a minimum. The effects of this plan change, if granted, could go far beyond the border of this property. Granting this change would condone commercial expansion along Jenkins increasing and destabilizing the residential property north on Jenkins Avenue. Although the applicant's request is to renovate the existing property for an additional use of a bar and smoke shop, it is important to note that a Plan change and commercial rezoning to C-2, General Commercial District would not limit the owners of this property to the particular proposed use. If the request for a change in land use and commercial zoning is granted to this property, the size and character of allowed uses could greatly increase from the more limited uses allowed in the present R-O, Residence-Office District to the allowed uses in C-2, General Commercial District; this would create an adverse land use and traffic impacts to surrounding properties.

STAFF RECOMMENDATION: The majority of the area around this business is zoned C-1, Local Commercial District, a less intense zoning district with less intense use as opposed to the requested C-2, General Commercial District. There are existing parking and traffic issues in the Campus Corner area. Increasing the zoning use in an already heavily impacted area creates additional problems for the existing residents and businesses. In keeping with the goals of the 2025 Land Use and Transportation Plan, staff is unable to support the applicant's request for change to the Land Use Plan from Office Designation to Commercial Designation. Staff recommends denial of Resolution No. R-1213-95.



768 Jenkins Avenue

1 inch = 28.579412 feet

City of Norman Predevelopment **December 20, 2012**

Applicant Mohammed Tajbakhsh

Location 768 S Jenkins

Case Number PD 12-36

Time 6:00-6:30 PM

Attendee	Stakeholder	Address	email	phone
Mohammed Tajbakhsh	applicant	768 S Jenkins	Tannaz101@you.come	412-1338
Alan Stacy	Neighboring owner	103 W Boyd	astacy@kfw.gs	701-0676
Amanda and Denton Stong	Neighboring employees	2129 Wheatland Dr	ahills@yahoo.com	808-3695
Susan Atkinson	Facilitator City staff			366-5392
Leah Messner	City Staff			217-7748
Terry Floyd	City Staff			366-5446
Ken Danner	City staff			366-5459

Application Summary. The applicant is seeking a *Norman 2025 Plan* amendment and to rezone his property which is currently zoned RO Residential-Office district. He is seeking C-2 Commercial Zoning with a Special Use Permit to allow a bar. The *Norman 2025 Land Use Plan* designation is Office. The .1586-acre parcel is located in the Campus Corner area.

Applicant's Opportunity. The applicant recently purchased the Greek House Restaurant, which has operated in this location since 1971. A two-room portion of the building has long been unused and the applicant would like to put it into productive use. He proposes to use the west half of the building for a bar and smoke shop.

Neighbors' Concerns. Neighbors in attendance were primarily concerned about two issues.

Casa Blanca, the historic building to the south of Greek House is used as an office for an oil and gas company. The company also leases space to other office tenants. (**verify**) The company's representative attended the Predevelopment meeting to express the company's concern about several issues related to this application.

Parking. He submitted numerous photos depicting restaurant patrons parking in Casa Blanca's parking lot. He alleged that restaurant patrons had damaged Casa Blanca property on more than one occasion through mishaps in the parking lot.

He also stated that the spaces on the east side of Greek House were not legal parking places but that restaurant patrons do park there throughout business hours. He asserted that these parking spaces were blocking the sidewalk and endangering pedestrians and also creating a sight distance hazard for traffic trying to exit the Casa Blanca or the restaurant's parking lot onto Jenkins Street.

> **Staff Comment**. Staff clarified that the paved area on the east side of Greek House is located on public right-of-way and that there is no dedicated sidewalk there. The existing sidewalk is located against the building on private property.

Casa Blanca owner said he objected to the addition of more restaurant or bar space when the Greek House clearly does not have enough parking to accommodate their current demand, let alone additional demand generated by the bar.

Safety of their Employees. The company representative also stated that company employees occasionally work at the office next door to Greek House late at night. Some of these employees are female. He expressed concern for their safety with a bar operating next door.

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

FEBRUARY 14, 2013

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 14th day of February 2013. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions at least twenty-four hours prior to the beginning of the meeting.

Chairman Chris Lewis called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:
ROLL CALL

MEMBERS PRESENT	Roberta Pailes Cindy Gordon Andy Sherrer Jim Gasaway Sandy Bahan Tom Knotts Chris Lewis
MEMBERS ABSENT	Dave Boeck Curtis McCarty

A quorum was present.

STAFF MEMBERS PRESENT	Susan Connors, Director, Planning & Community Development Jane Hudson, Principal Planner Janay Greenlee, Planner II Ken Danner, Subdivision Development Manager Roné Tromble, Recording Secretary Leah Messner, Asst. City Attorney Larry Knapp, GIS Analyst II Terry Floyd, Development Coordinator

* * *

Item No. 6, being:
TJ FOOD & FUEL, DBA GREEK HOUSE

Item No. 6a, being:
RESOLUTION NO. R-1213-95 – TJ FOOD & FUEL, DBA GREEK HOUSE, REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1213-7) FROM OFFICE DESIGNATION TO COMMERCIAL DESIGNATION FOR PROPERTY LOCATED AT 768 SOUTH JENKINS AVENUE.

ITEMS SUBMITTED FOR THE RECORD:
1. 2025 Map
2. Staff Report
3. Aerial Photo
4. Pre-Development Summary

Item No. 6b, being:
ORDINANCE NO. O-1213-30 – TJ FOOD & FUEL, DBA GREEK HOUSE, REQUESTS REZONING FROM RO, RESIDENCE-OFFICE DISTRICT, TO C-2, GENERAL COMMERCIAL DISTRICT, WITH SPECIAL USE FOR A BAR FOR PROPERTY LOCATED AT 768 SOUTH JENKINS AVENUE.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Aerial Photo

PRESENTATION BY STAFF:
Ms. Hudson – The existing land use in this area consists of commercial to the east and west of this site, office designation to the south, as well as the University of Oklahoma, and then residential to the north. The commercial designation would take over the subject tract. With regard to zoning, the subject tract is zoned RO, Residence-Office. C-1 is on the south, west and east, and there is residential zoning to the north. Currently on site we have the Greek House Restaurant which takes up the east end of the building, and the west side is vacant. In examining whether or not an amendment to the 2025 Land Use Plan can be supported, staff has to look at whether changes in the area will be contrary to the public interest, as well as whether or not the proposed change would result in adverse land use impacts on the adjacent property. When reviewing rezoning requests, we have to look at the zoning that would be allowed on that property and how it would impact the adjacent properties. The majority of the area around Campus Corner is completely developed. Any new businesses that come in will go into existing facilities. When this building was permitted in 1969, it was permitted for mercantile and office use with no residential component. At that time, the required parking was 13 spaces. Currently, the site has 9 parking spaces. The Central Core Plan for the Campus Corner commercial area considered the RO district to act as a buffer for the residential properties in that area. Allowing expansion of commercial use into the residential areas of campus, which would be north on Jenkins in this area, could increase the decivilization of that residential area. As noted in the staff reports, traffic and parking congestion in these areas is a problem. The applicant has not demonstrated how he will accommodate the additional parking requirements for the C-2 with a Special Use for a bar. It is important to note also that allowing a Plan change as well as increase in the zoning in the heavily impacted areas does not necessarily stay with this use should the bar not make it and they put another use in there that would be allowed under C-2 zoning. So in keeping with the goals of the 2025 Land Use Plan and the possible impacts of the zoning change, staff recommends denial of the Land Use Plan amendment Resolution No. R-1213-95 as well as the rezoning request for Ordinance No. O-1213-30. Slides show the west end of the building where the proposed bar and smoke shop would go, a house to the north, commercial on the east, the office use on the south side, and another commercial strip on the west. There is a shot of the access point on the south of the subject building, which is very tight. The parking

area in front of the building is not counted as legal parking. There was a protest letter submitted from the property to the south which equated to 4.5% protest.

PRESENTATION BY THE APPLICANT:

1. Nemo Tajbakhsh, representing the applicant, was present to answer questions.

2. Mr. Knotts asked if there are any plans to add parking. Mr. Tajbakhsh said they were hoping to talk to businesses around their facility to rent parking spaces for evening uses. They are planning for half of the available space to be used for the bar, with the remainder used for storage. They believe the maximum capacity for the bar would be 10 to 12 people.

3. Ms. Pailes asked if the Greek House would continue. Mr. Tajbakhsh indicated the Greek House will close at 8:30 p.m. and the bar will open from 8:30 p.m. to 2:00 a.m. and will probably be the most busy on weekends.

4. Ms. Gordon asked about the parking on the east. Mr. Tajbakhsh said there is actually a sidewalk there, so they are not blocking the sidewalk. Ms. Connors confirmed that the parking on the east is actually in the public right-of-way.

COMMENTS FROM THE AUDIENCE:

1. Alan Stacy, representing Keith F. Walker Oil & Gas Company, 103 W. Boyd Street in the Casablanca Building – The building is directly south of the Greek House. We are an oil and gas exploration company that has been in business in Oklahoma since 1951. We are concerned about several issues. I don't know if you have a copy of the letter or not. By the way, I really appreciate you guys coming out. I really had no idea that the City does business at this time of night, and many of you probably have regular jobs, as we do. And the fact that you're doing this is quite an honor. Thank you very much for giving up your Valentine's. We currently have quite a few people on a daily basis. As I was coming over here this evening, I had Greek House customers in my parking lot. I know they're Greek House customers because I waited and watched them walk to the Greek House. During the day, we also have 30,000 more or less – 20,000 OU students who want to park in our parking place. So we have to be fairly jealous of our parking places. After a fashion, the Greek House is more or less a family sort of an atmosphere. I'm actually quite concerned about the addition of beer. I have three female employees, two of whom regularly work late. And if you look at the space, it's really quite secluded, especially at night. It's not really visible. Our building is away from Boyd and a combination of our building and the Greek House is sort of in the way looking at it from the east side. So it's actually quite secluded. Greek House has no exterior lighting that I'm aware of at all. I really don't want my female employees coming out at night and confronting drunks in our parking lot. I don't think that, if they had any business at all – right now they can't really run their business. On weekends they're in our parking lot. I don't really believe that they will run their bar business without being in our parking lot after hours. Even though there may be parking places there, like I say, I don't want my female employees confronting drunks. And so we're quite concerned. And we haven't seen any plan. I mean, it's one of these deals where we want to rezone it for a bar; there's no plan for security, no plan for lighting. Nothing has been stated, to my knowledge, at all. It's just let us do it and we'll let you know how it comes out later. And we don't think that's fair to the people in the area.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Ms. Pailes – Bars adjacent to residential areas tend to generate a lot of people that end up complaining before the City Council because people from the bars behave badly in the neighborhoods. I kind of see as one of our objectives on Planning is to catch the things so that they don't happen and don't end up with people complaining before the City Council. So a bar seems a little iffy. It would be great to have commercial areas in those places that have

been empty. I love the Greek House and it would be nice to have those empty spaces filled, but I don't know that a bar is a really good match and the parking seems to be questionable.

2. Mr. Sherrer commented that the Commission could have separate motions on the resolution and the ordinance. Chairman Lewis indicated it would be acceptable to have a motion for each item.

3. Mr. Knotts asked for clarification. The change in zoning would remain, even if the bar were to close. So the idea that the bar and smoke shop are trying to accommodate with the hours of the Greek House – it's only an accommodation that they've agreed to but not necessarily would be held to. Ms. Connors responded that this is a request for a C-2 zone and any use in a C-2 zone would be allowed once it is rezoned.

Andy Sherrer moved to recommend approval of Resolution No. R-1213-95 to the City Council. Roberta Pailes seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Andy Sherrer
NAYES	Roberta Pailes, Cindy Gordon, Jim Gasaway, Sandy Bahan, Tom Knotts, Chris Lewis
ABSENT	Dave Boeck, Curtis McCarty

Ms. Tromble announced that the motion, to recommend approval of Resolution No. R-1213-95 to the City Council, failed by a vote of 1-6.

Andy Sherrer moved to recommend approval of Ordinance No. O-1213-30 to the City Council. Roberta Pailes seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	None
NAYES	Roberta Pailes, Cindy Gordon, Andy Sherrer, Jim Gasaway, Sandy Bahan, Tom Knotts, Chris Lewis
ABSENT	Dave Boeck, Curtis McCarty

Ms. Tromble announced that the motion, to recommend approval of Ordinance No. O-1213-30 to the City Council, failed by a vote of 0-7.

* * *

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: O-1213-30

File ID:	O-1213-30	**Type:**	Ordinance	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 29	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	01/22/2013
File Name:	Greek House Rezoning			**Final Action:**	

Title: CONSIDERATION OF ORDINANCE NO. O-1213-30 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE LOTS 37 AND 38, BLOCK 3, LARSH'S UNIVERSITY ADDITION TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT WITH SPECIAL USE FOR A BAR, LOUNGE OR TAVERN, AND REMOVE THE SAME FROM THE RO, RESIDENCE-OFFICE DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (768 SOUTH JENKINS AVENUE)
THE APPLICANT HAS SUBMITTED A LETTER REQUESTING POSTPONEMENT UNTIL JUNE 11, 2013.

Notes: ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-30 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-30 upon Final Readnig as a whole.

ACTION TAKEN: _____

Agenda Date: 03/26/2013

Agenda Number: 29

Attachments: Text File O-1213-30, Email requesting postponement, O-1213-30, GreekHouse Location Map, Staff Report T & J Fuel O-1213-30, Greek House Aerial Photo, Greek House Protest, 2-14-13 PC Minutes - Greek House

Project Manager: Jane Hudson, Principal Planner

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	02/14/2013	Recommended for Adoption at a subsequent City Council Meeting	City Council	03/12/2013		Fail
	Action Text:	A motion was made by Commissioner Sherrer, seconded by Commissioner Pailes, that this Zoning Ordinance be Recommended for Adoption at a subsequent City Council Meeting to the City Council , due back on 3/12/2013. The motion failed by the following vote:					
1	City Council	03/12/2013	Introduced and adopted on First Reading by title only				Pass
	Action Text:	That this Ordinance be Introduced and adopted on First Reading by title only. by consent roll call					

Text of Legislative File O-1213-30

Body

SYNOPSIS: The applicant, Mohammed Reza Tajbakhsh, recently purchased the property located at 768 Jenkins Avenue. The current building has six separate exterior doors which might house up to six separate businesses within this building. Currently, the only business on-site is the Greek House Restaurant. The applicant would like to move forward with adding a second commercial business to this location. The applicant is requesting to rezone this site from RO, Residence-Office District to C-2, General Commercial District with Special Use for a Bar, Lounge or Tavern.

ANALYSIS:

C-2, General Commercial District:
This commercial district is intended for the conduct of personal and business services and the general retail business of the community. Persons living in the community and in the surrounding trade territory require direct and frequent access. Traffic generated by the uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods.

The applicant is requesting C-2, General Commercial District with Special Use for a Bar in order to have a bar and smoke shop with a water pipe system, on the west end of the building. The proposal of the bar and smoke shop consists of approximately 768 square feet. Currently, the restaurant is on the east end of the building utilizing approximately 1,512 square feet. The seating area for the restaurant is approximately 720 square feet with 38 to 40 chairs. The remaining 800 square feet in the building is used for storage of supplies for the restaurant.

Parking: The requirements for parking in the C-2, General Commercial District for the specific uses of restaurant and bar are as follows:

Restaurant: 1 parking space per 50 square feet of Customer Service Area (CSA)
Bar or Tavern: 1 parking space per 50 square feet of CSA

At a minimum with the restaurant being the only use, the site requires fourteen parking spaces. The site currently provides nine parking spaces. There are six parallel parking spaces available along the south side of the building, in what is designated as the fire lane area. These parking spaces are not striped or designated as parking. There are three parking spaces at the west end of the building however, these as well are not striped or designated as parking spaces. There is an area at the east end of the building that customers utilize for parking. This area is not legally designated parking as it is in the right-of-way and was not included as part the nine available parking spaces. The applicant stated in his narrative submitted that the restaurant and bar/smoke shop will not be open at the same time. The plan is to close the Greek House at 8:30 pm and then open the bar and smoke shop. However, even with the staggered business hours the parking required for the bar and smoke shop is still short of the minimum required parking spaces.

OTHER AGENCY COMMENTS:

PARK BOARD The request of a Special Use does not require any parkland dedication.

PUBLIC WORKS The property has already been platted. Utilities, streets, public alley are existing. This Special Use will not require any modification to the site which would require additional public improvements.

STAFF RECOMMENDATION: If commercial utilization of this property is approved sufficient parking cannot be provided on-site. This building was built in 1969 and over the years several different uses have been in this building. Staff cannot find records which clearly indicate how the restaurant use was approved in this location as it is not an approved use in the RO, Residence-Office zoning. The RO, Residence-Office zoning designation is designed to provide areas for high density residential development; limited offices, convenience goods stores, and personal service establishments in conjunction with residential uses; primarily in the vicinity of the campus business district. The majority of the area around this business is zoned C-1, Local Commercial District, a less intense zoning district as opposed to the requested C-2, General Commercial District. As previously discussed, there are existing parking and traffic issues in the Campus Corner area. Increasing the intensity of zoning in an already heavily impacted area creates additional problems for the existing residents and businesses. The properties in this vicinity are zoned C-1, Local Commercial District, RO, Residence-Office District and R-3, Multi-Family Dwelling District. With the existing lower intensity zoning districts present in the area this zoning request for C-2, General Commercial District is considered spot zoning. Spot zoning is contrary to the basic zoning principles which are set to protect adjacent properties. With the lack of parking and traffic congestion already in the area, staff does not support the request to place this property in the C-2, General Commercial District with Special Use for a Bar. Staff recommends denial of Ordinance No. O-1214-30. One letter of protest was received from the immediately adjacent property to the south, which comprised a 4.5% protest. Although the Planning Commission, at their February 14, 2013 meeting, had a motion and a second to approve Ordinance O-1213-30, the ordinance was disapproved by a vote of 0-7. The ordinance comes forward with a recommendation from the Planning Commission for denial.

Brenda Hall

Subject: FW: POSTPONE CITY COUNCIL ITEM ON MARCH 26 FOR GREEK HOUSE REZONING

From: Sean Rieger [mailto:sp@riegerllc.com]
Sent: Monday, March 18, 2013 10:48 AM
To: Brenda Hall; Ellen Usry
Cc: Greg Jungman; Cindy Rosenthal
Subject: POSTPONE CITY COUNCIL ITEM ON MARCH 26 FOR GREEK HOUSE REZONING

Hi Brenda and Ellen,
The Applicant for the below item, to be on second reading at City Council on March 26, requests to postpone the second reading hearing to the June 11, 2013 City Council meeting. Please include this request in the Agenda Book and please let me know if you need anything else from Applicant to submit postponement. Thank you, best wishes, Sean.

O-1213-30 CONSIDERATION OF ORDINANCE NO. O-1213-30 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE LOTS 37 AND 38, BLOCK 3, LARSH'S UNIVERSITY ADDITION TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT WITH SPECIAL USE FOR A BAR, LOUNGE OR TAVERN, AND REMOVE THE SAME FROM THE RO, RESIDENCE-OFFICE DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (768 SOUTH JENKINS AVENUE)

Attachments: Text File O-1213-30
O-1213-30
GreekHouse Location Map
Staff Report T & J Fuel O-1213-30
Greek House Aerial Photo
Greek House Protest
2-14-13 PC Minutes - Greek House

Sean Paul Rieger
Attorney • Architect • Broker
RIEGER LAW GROUP

REAL ESTATE LAW ▪ CONSTRUCTION LAW ▪ BUSINESS LAW

136 Thompson Drive
Norman, OK 73069-5245
405.329.6070 phone
405.329.7103 fax
sp@riegerllc.com email

NOTE: This message is intended only for the use of the addressees named above. This message and any attachments may contain information that is confidential or privileged. If you are not an intended recipient, you are hereby notified that any further dissemination, copying, transmittal, or use, of the information in this transmission is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by reply e-mail or by telephone at 405.329.6070 and delete this message. Thank you.

O-1213-30

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE LOTS 37 AND 38, BLOCK 3, LARSH'S UNIVERSITY ADDITION TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT WITH SPECIAL USE FOR A BAR, LOUNGE OR TAVERN, AND REMOVE THE SAME FROM THE RO, RESIDENCE-OFFICE DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (768 SOUTH JENKINS AVENUE)

§ 1. WHEREAS, TJ Food & Fuel, the owner of the hereinafter described property, has made application to have the same placed in the C-2, General Commercial District with Special Use for a Bar, Lounge or Tavern, and to have the same removed from the RO, Residence-Office District; and

§ 2. WHEREAS, said application has been referred to the Planning Commission of said City and said body has, after conducting a public hearing as required by law, considered the same and recommended that the same should not be granted and an ordinance should not be adopted to effect and accomplish such rezoning; and

§ 3. WHEREAS, the City Council of the City of Norman, Oklahoma, has thereafter considered said application and has determined that said application should be granted and an ordinance adopted to effect and accomplish such rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 4. That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to place the following described property in the C-2, General Commercial District with Special Use for a Bar, Lounge or Tavern, and to remove the same from the RO, Residence-Office District, to wit:

Lots 37 and 38, Block 3, LARSH'S UNIVERSITY ADDITION to the City of Norman, Cleveland County, Oklahoma.

§ 5. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

ADOPTED this _____ day of

_____, 2013.

_____
(Mayor)

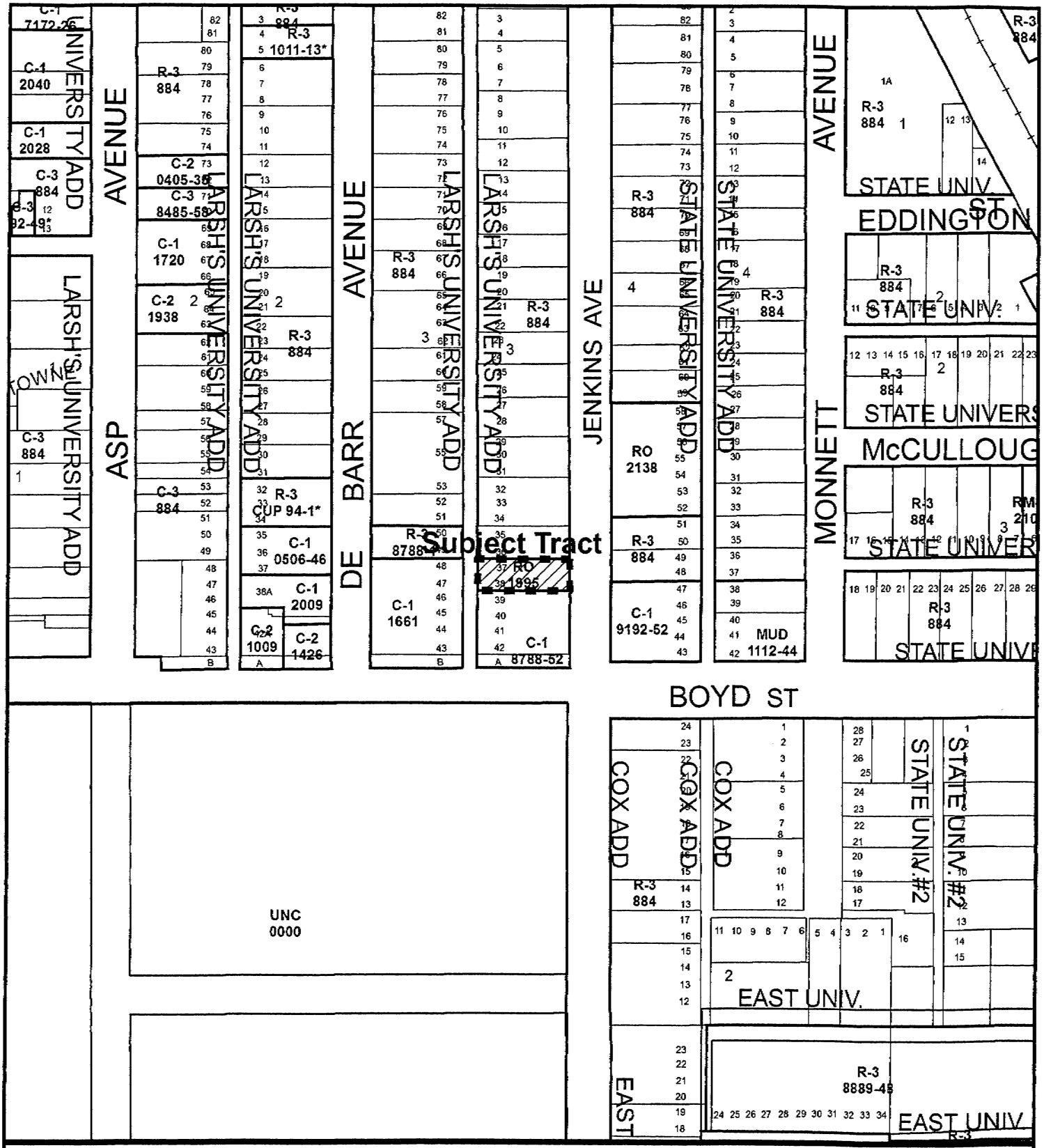
NOT ADOPTED this _____day of

_____, 2013.

_____
(Mayor)

ATTEST:

_____
(City Clerk)



Location Map

Map Produced by the City of Norman
Geographic Information System.
(405) 366-5316
The City of Norman assumes no responsibility for errors or omissions in the information presented.

N W E S

December 4, 2012

0 100 200 Ft.

Subject Tract

Zoning

29-5

ORDINANCE NO. O-1213-30 ITEM NO. 6b

STAFF REPORT

GENERAL INFORMATION

APPLICANT	TJ Food & Fuel, dba Greek House
REQUESTED ACTION	Rezoning to C-2, General Commercial District, with Special Use for a Bar
EXISTING ZONING	RO, Residence-Office District
SURROUNDING ZONING	North: R-3, Multi-Family Dwelling District East: R-3, Multi-Family Dwelling District and C-1, Local Commercial District South: C-1, Local Commercial District West: C-1, Local Commercial District
LOCATION	768 Jenkins Avenue
SIZE	6,910 Square Feet
PURPOSE	Special Use for a Bar
EXISTING LAND USE	Restaurant and Storage
SURROUNDING LAND USE	North: Residential East: Commercial and Residential South: Office West: Commercial
LAND USE PLAN DESIGNATION	Office
GROWTH AREA DESIGNATION	Current Urban Service Area

SYNOPSIS: The applicant, Mohammed Reza Tajbakhsh, recently purchased the property located at 768 Jenkins Avenue. The current building has six separate exterior doors which might house up to six separate businesses within this building. Currently, the only business on-site is the Greek House Restaurant. The applicant would like to move forward with adding a second commercial business to this location. The applicant is requesting to rezone this site from RO, Residence-Office District to C-2, General Commercial District with Special Use for a Bar or Tavern.

ANALYSIS:

C-2, General Commercial District:
This commercial district is intended for the conduct of personal and business services and the general retail business of the community. Persons living in the community and in the surrounding trade territory require direct and frequent access. Traffic generated by the uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods.

The applicant is requesting C-2, General Commercial District with Special Use for a Bar in order to have a bar and smoke shop, a water pipe system, on the west end of the building. The proposal of the bar and smoke shop consists of approximately 768 square feet. Currently, the restaurant is on the east end of the building utilizing approximately 1,512 square feet. The seating area for the restaurant is approximately 720 square feet with 38 to 40 chairs. The remaining 800 square feet in the building is used for storage of supplies for the restaurant.

Parking: The requirements for parking in the C-2, General Commercial District for the specific uses of restaurant and bar are as follows:

- Restaurant: 1 parking space per 50 square feet of CSA
- Bar or Tavern: 1 parking space per 50 square feet of CSA

(CSA: Customer Service Area)

At a minimum with the restaurant being the only use, the site requires fourteen parking spaces. The site currently provides nine parking spaces. There are six parallel parking spaces available along the south side of the building, in what is designated as the fire lane area. These parking spaces are not striped or designated as parking. There are three parking spaces at the west end of the building however, these as well are not striped or designated as parking spaces. There is an area at the east end of the building that customers utilize for parking. This area is not legally designated parking as it is in the right-of-way and was not included as part the nine available parking spaces. The applicant stated in his narrative submitted that the restaurant and bar/smoke shop will not be open at the same time. The plan is to close the Greek House at 8:30 pm and then open the bar and smoke shop. However, even with the staggered business hours the parking required for the bar and smoke shop is still short of the minimum required parking spaces.

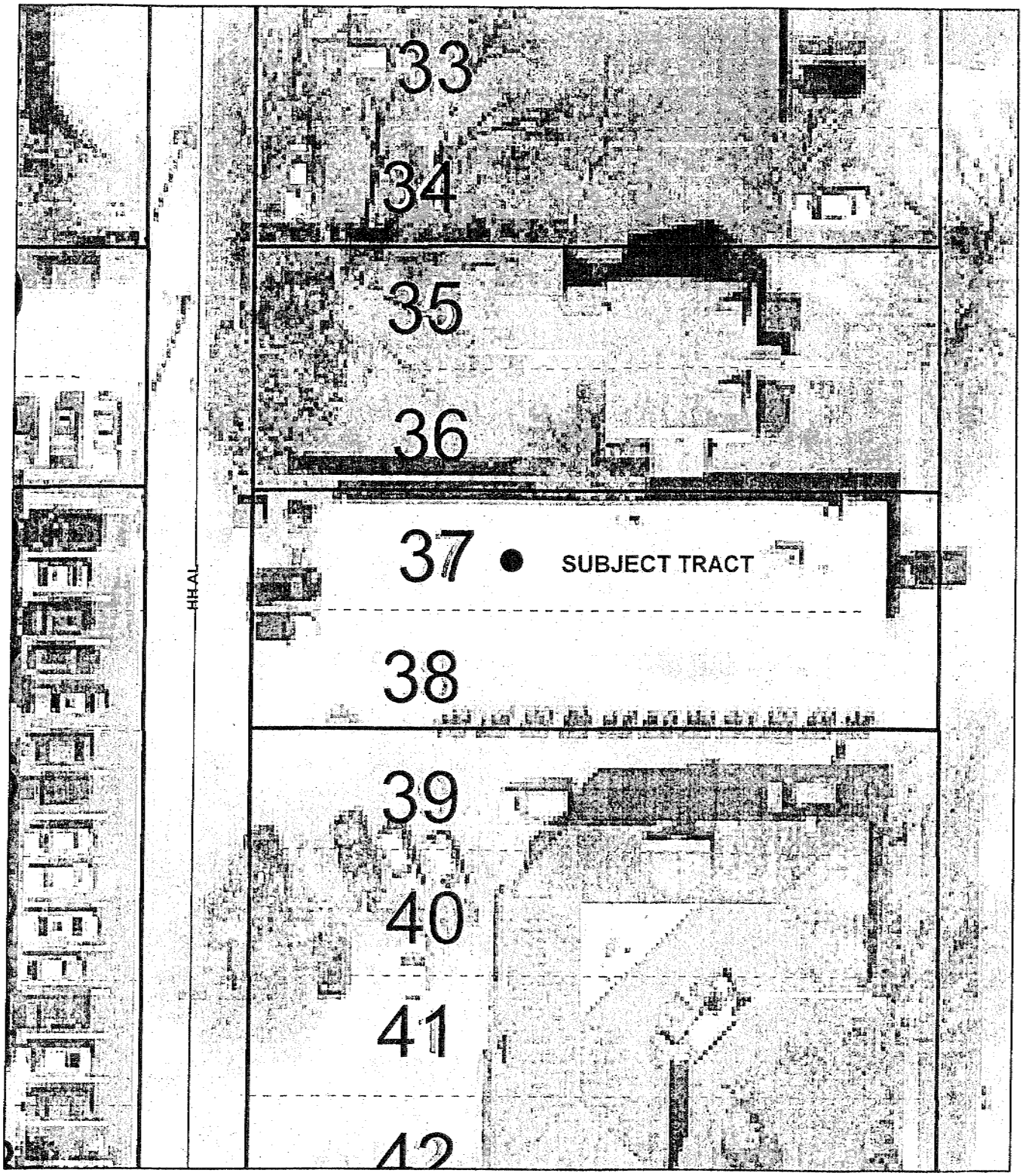
OTHER AGENCY COMMENTS:

- **PARK BOARD** The request of a Special Use does not require any parkland dedication.

- **PUBLIC WORKS** The property has already been platted. Utilities, streets, public alley are existing. This Special Use will not require any modification to the site which would require additional public improvements.

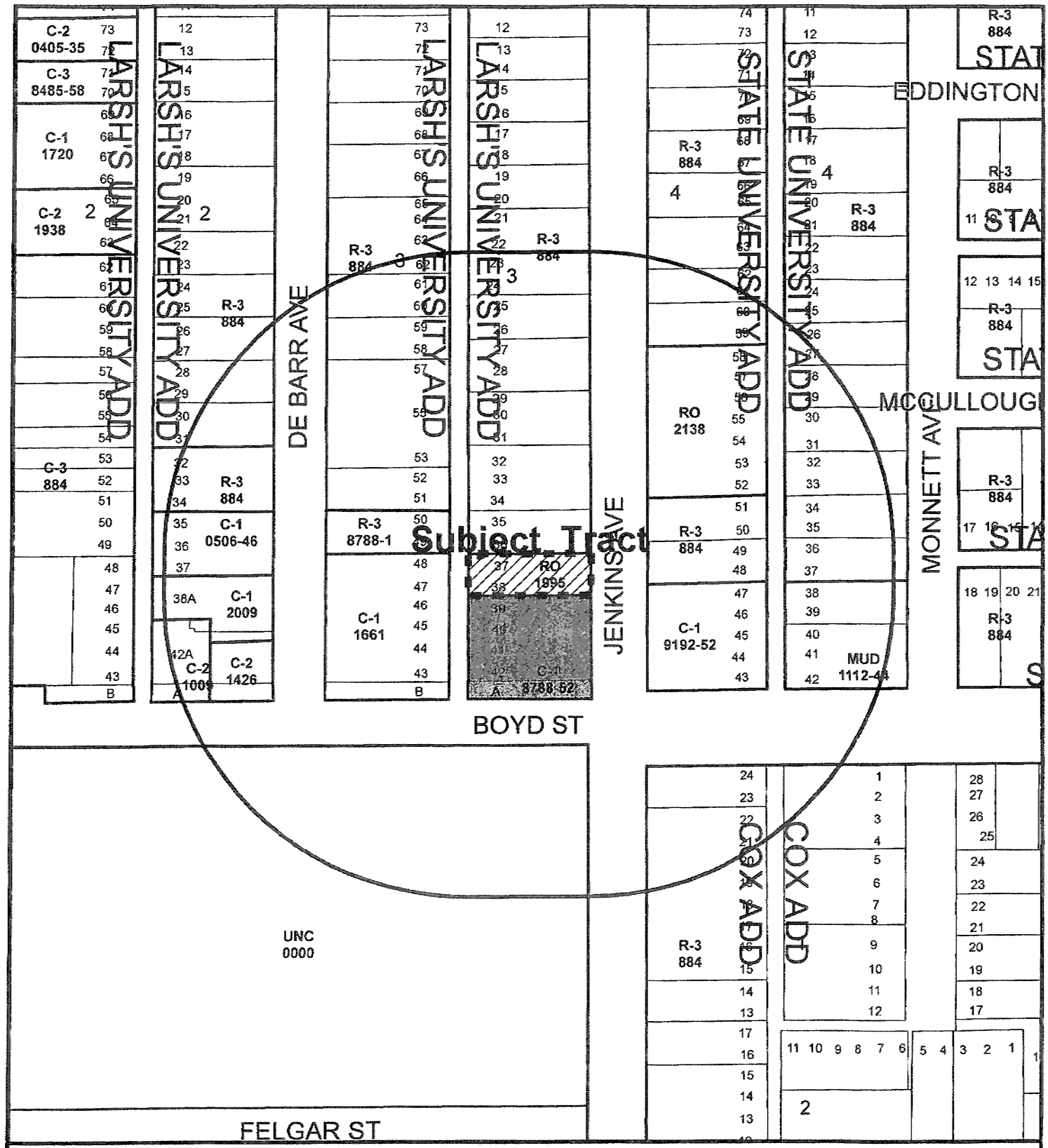
STAFF RECOMMENDATION: If commercial utilization of this property is approved sufficient parking cannot be provided on-site. This building was built in 1969 and over the years several different uses have been in this building. Staff cannot find records which clearly indicated how the restaurant use was approved in this location as it is not an approved use in the RO, Residence-Office zoning. The RO, Residence-Office zoning designation is designed to provide areas for high density residential development; limited offices, convenience goods stores, and personal service establishments in conjunction with residential uses; primarily in the vicinity of the campus business district. The majority of the area around this business is zoned

C-1, Local Commercial District, a less intense zoning district as opposed to the requested C-2, General Commercial District. As previously discussed, there are existing parking and traffic issues in the Campus Corner area. Increasing the zoning use in an already heavily impacted area creates additional problems for the existing residents and businesses. The properties in this vicinity are zoned C-1, Local Commercial District, RO, Residence-Office District and R-3, Multi-Family Dwelling District. With the lower intense zoning districts present this zoning request for C-2, General Commercial District is considered spot zoning. Spot zoning is contrary to the basic zoning principles which are set to protect adjacent properties. With the lack of parking and traffic congestion already in the area, staff cannot support the request to place this property in the C-2, General Commercial District with Special Use for a Bar. Staff recommends denial of Ordinance No. O-1214-30.



768 Jenkins Avenue

1 inch = 28.579412 feet



Protest Map

4.5% Protest Within Notification Area

Map Produced by the City of Norman
Geographic Information System.
(405) 366-5316
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.

N
W E
S

Scale: 1" = 150'
February 13, 2013

Subject Tract
Protest
Notification Area

Office: 405-701-0676
Fax: 405-310-5075

Delivered via hand February 8, 2013

Keith F. Walker
Oil & Gas Company, LLC

Planning Commission, City of Norman

February 6, 2013

Keith F. Walker Oil & Gas Company, LLC (KFW), as the owner of the historically registered office building at 103 West Boyd, locally known as "Casa Blanca", strongly opposes and protests the application to re-zone "TJ Food & Fuel" dba "The Greek House" from RO to C-2.

Our opposition is fact-based. KFW's property adjoins "TJ Food & Fuel" to the south. "TJ Food & Fuel" has limited parking for their business and their customers and delivery trucks regularly trespass on the KFW parking property. We absorb, with no compensation, increased parking maintenance and trash from "TJ Food & Fuel" operations. At night and weekends, "TJ Food & Fuel" customer cars park on our property almost continually. Given the currently insufficient parking, KFW believes it is impossible for "TJ Food & Fuel" to accommodate the increased parking demand of their expansion and addition of a "bar".

This bar will create a safety issue that remains unaddressed. KFW has ten employees in the "Casa Blanca" building and some regularly work into the evening. We believe it is unreasonable for our employees, especially the females, to be confronted or accosted by persons under the influence in our own parking lot as they leave work. The Greek House in its present status is more of a family restaurant and has a different clientele than the clientele that would be attracted to a bar.

While attending the preliminary Planning Commission hearing, Mr. Tajbakhsh gave no specific plan for his bar. We asked him repeatedly for any plan to accommodate parking, lighting and security. We got NO response to any of these questions. "TJ Food & Fuel" has no exterior lighting and their parking is dark and isolated at night. KFW has a light in our parking lot for our employees, but it is insufficient to provide the necessary security for employee encounters with inebriated patrons.

103 West Boyd St.
Norman, OK
73069

FILED IN THE OFFICE
OF THE CITY CLERK
ON 2/8/13

Office: 405-701-0676
Fax: 405-310-5075

Accordingly, KFW respectfully submits that there are strong and convincing reasons to deny this application that would most surely create greater parking congestion and security issues. For those reasons, KFW respectfully requests that the Planning Commission and City Council disallow the "TJ Food & Fuel" application to re-zone from RO to C-2 in this historic neighborhood.

KEITH F. WALKER OIL & GAS COMPANY, LLC

By: _____

Title: C. E. O.

103 West Boyd St.
Norman, OK
73069

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

FEBRUARY 14, 2013

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 14th day of February 2013. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions at least twenty-four hours prior to the beginning of the meeting.

Chairman Chris Lewis called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:
ROLL CALL

MEMBERS PRESENT	Roberta Pailes Cindy Gordon Andy Sherrer Jim Gasaway Sandy Bahan Tom Knotts Chris Lewis
MEMBERS ABSENT	Dave Boeck Curtis McCarty

A quorum was present.

STAFF MEMBERS PRESENT	Susan Connors, Director, Planning & Community Development Jane Hudson, Principal Planner Janay Greenlee, Planner II Ken Danner, Subdivision Development Manager Roné Tromble, Recording Secretary Leah Messner, Asst. City Attorney Larry Knapp, GIS Analyst II Terry Floyd, Development Coordinator

* * *

Item No. 6, being:
TJ FOOD & FUEL, DBA GREEK HOUSE

Item No. 6a, being:
RESOLUTION NO. R-1213-95 – TJ FOOD & FUEL, DBA GREEK HOUSE, REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1213-7) FROM OFFICE DESIGNATION TO COMMERCIAL DESIGNATION FOR PROPERTY LOCATED AT 768 SOUTH JENKINS AVENUE.

ITEMS SUBMITTED FOR THE RECORD:
1. 2025 Map
2. Staff Report
3. Aerial Photo
4. Pre-Development Summary

Item No. 6b, being:
ORDINANCE NO. O-1213-30 – TJ FOOD & FUEL, DBA GREEK HOUSE, REQUESTS REZONING FROM RO, RESIDENCE-OFFICE DISTRICT, TO C-2, GENERAL COMMERCIAL DISTRICT, WITH SPECIAL USE FOR A BAR FOR PROPERTY LOCATED AT 768 SOUTH JENKINS AVENUE.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Aerial Photo

PRESENTATION BY STAFF:
Ms. Hudson – The existing land use in this area consists of commercial to the east and west of this site, office designation to the south, as well as the University of Oklahoma, and then residential to the north. The commercial designation would take over the subject tract. With regard to zoning, the subject tract is zoned RO, Residence-Office. C-1 is on the south, west and east, and there is residential zoning to the north. Currently on site we have the Greek House Restaurant which takes up the east end of the building, and the west side is vacant. In examining whether or not an amendment to the 2025 Land Use Plan can be supported, staff has to look at whether changes in the area will be contrary to the public interest, as well as whether or not the proposed change would result in adverse land use impacts on the adjacent property. When reviewing rezoning requests, we have to look at the zoning that would be allowed on that property and how it would impact the adjacent properties. The majority of the area around Campus Corner is completely developed. Any new businesses that come in will go into existing facilities. When this building was permitted in 1969, it was permitted for mercantile and office use with no residential component. At that time, the required parking was 13 spaces. Currently, the site has 9 parking spaces. The Central Core Plan for the Campus Corner commercial area considered the RO district to act as a buffer for the residential properties in that area. Allowing expansion of commercial use into the residential areas of campus, which would be north on Jenkins in this area, could increase the decivilization of that residential area. As noted in the staff reports, traffic and parking congestion in these areas is a problem. The applicant has not demonstrated how he will accommodate the additional parking requirements for the C-2 with a Special Use for a bar. It is important to note also that allowing a Plan change as well as increase in the zoning in the heavily impacted areas does not necessarily stay with this use should the bar not make it and they put another use in there that would be allowed under C-2 zoning. So in keeping with the goals of the 2025 Land Use Plan and the possible impacts of the zoning change, staff recommends denial of the Land Use Plan amendment Resolution No. R-1213-95 as well as the rezoning request for Ordinance No. O-1213-30. Slides show the west end of the building where the proposed bar and smoke shop would go, a house to the north, commercial on the east, the office use on the south side, and another commercial strip on the west. There is a shot of the access point on the south of the subject building, which is very tight. The parking

area in front of the building is not counted as legal parking. There was a protest letter submitted from the property to the south which equated to 4.5% protest.

PRESENTATION BY THE APPLICANT:

1. Nemo Tajbakhsh, representing the applicant, was present to answer questions.

2. Mr. Knotts asked if there are any plans to add parking. Mr. Tajbakhsh said they were hoping to talk to businesses around their facility to rent parking spaces for evening uses. They are planning for half of the available space to be used for the bar, with the remainder used for storage. They believe the maximum capacity for the bar would be 10 to 12 people.

3. Ms. Pailes asked if the Greek House would continue. Mr. Tajbakhsh indicated the Greek House will close at 8:30 p.m. and the bar will open from 8:30 p.m. to 2:00 a.m. and will probably be the most busy on weekends.

4. Ms. Gordon asked about the parking on the east. Mr. Tajbakhsh said there is actually a sidewalk there, so they are not blocking the sidewalk. Ms. Connors confirmed that the parking on the east is actually in the public right-of-way.

COMMENTS FROM THE AUDIENCE:

1. Alan Stacy, representing Keith F. Walker Oil & Gas Company, 103 W. Boyd Street in the Casablanca Building – The building is directly south of the Greek House. We are an oil and gas exploration company that has been in business in Oklahoma since 1951. We are concerned about several issues. I don't know if you have a copy of the letter or not. By the way, I really appreciate you guys coming out. I really had no idea that the City does business at this time of night, and many of you probably have regular jobs, as we do. And the fact that you're doing this is quite an honor. Thank you very much for giving up your Valentine's. We currently have quite a few people on a daily basis. As I was coming over here this evening, I had Greek House customers in my parking lot. I know they're Greek House customers because I waited and watched them walk to the Greek House. During the day, we also have 30,000 more or less – 20,000 OU students who want to park in our parking place. So we have to be fairly jealous of our parking places. After a fashion, the Greek House is more or less a family sort of an atmosphere. I'm actually quite concerned about the addition of beer. I have three female employees, two of whom regularly work late. And if you look at the space, it's really quite secluded, especially at night. It's not really visible. Our building is away from Boyd and a combination of our building and the Greek House is sort of in the way looking at it from the east side. So it's actually quite secluded. Greek House has no exterior lighting that I'm aware of at all. I really don't want my female employees coming out at night and confronting drunks in our parking lot. I don't think that, if they had any business at all – right now they can't really run their business. On weekends they're in our parking lot. I don't really believe that they will run their bar business without being in our parking lot after hours. Even though there may be parking places there, like I say, I don't want my female employees confronting drunks. And so we're quite concerned. And we haven't seen any plan. I mean, it's one of these deals where we want to rezone it for a bar; there's no plan for security, no plan for lighting. Nothing has been stated, to my knowledge, at all. It's just let us do it and we'll let you know how it comes out later. And we don't think that's fair to the people in the area.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Ms. Pailes – Bars adjacent to residential areas tend to generate a lot of people that end up complaining before the City Council because people from the bars behave badly in the neighborhoods. I kind of see as one of our objectives on Planning is to catch the things so that they don't happen and don't end up with people complaining before the City Council. So a bar seems a little iffy. It would be great to have commercial areas in those places that have

been empty. I love the Greek House and it would be nice to have those empty spaces filled, but I don't know that a bar is a really good match and the parking seems to be questionable.

2. Mr. Sherrer commented that the Commission could have separate motions on the resolution and the ordinance. Chairman Lewis indicated it would be acceptable to have a motion for each item.

3. Mr. Knotts asked for clarification. The change in zoning would remain, even if the bar were to close. So the idea that the bar and smoke shop are trying to accommodate with the hours of the Greek House – it's only an accommodation that they've agreed to but not necessarily would be held to. Ms. Connors responded that this is a request for a C-2 zone and any use in a C-2 zone would be allowed once it is rezoned.

Andy Sherrer moved to recommend approval of Resolution No. R-1213-95 to the City Council. Roberta Pailes seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Andy Sherrer
NAYES	Roberta Pailes, Cindy Gordon, Jim Gasaway, Sandy Bahan, Tom Knotts, Chris Lewis
ABSENT	Dave Boeck, Curtis McCarty

Ms. Tromble announced that the motion, to recommend approval of Resolution No. R-1213-95 to the City Council, failed by a vote of 1-6.

Andy Sherrer moved to recommend approval of Ordinance No. O-1213-30 to the City Council. Roberta Pailes seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	None
NAYES	Roberta Pailes, Cindy Gordon, Andy Sherrer, Jim Gasaway, Sandy Bahan, Tom Knotts, Chris Lewis
ABSENT	Dave Boeck, Curtis McCarty

Ms. Tromble announced that the motion, to recommend approval of Ordinance No. O-1213-30 to the City Council, failed by a vote of 0-7.

* * *

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: O-1213-31

File ID:	O-1213-31	**Type:**	Ordinance	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 30	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	01/22/2013
File Name:	O-1213-31 Zoning Amendments			**Final Action:**	

Title: CONSIDERATION OF ORDINANCE NO. O-1213-31 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 422.1 (AMENDMENTS) OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO ALLOW CONCURRENT SUBMITTAL OF PRE-DEVELOPMENT AND PLANNING COMMISSION APPLICATIONS; REGULATING TIME BETWEEN PRE-DEVELOPMENT AND PLANNING COMMISSION MEETINGS; SPECIFYING NOTICE REQUIREMENTS AND CLARIFYING OTHER SUBMITTAL REQUIREMENTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Notes: ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-31 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-31 upon Final Readnig as a whole.

ACTION TAKEN: _____

Agenda Date: 03/26/2013

Agenda Number: 30

Attachments: Text File O-1213-31, O-1213-31 Concurrent PD and PC - Clean, O-1213-31 Annotated, O-1213-31 Staff Report, 2-14-13 PC Minutes - O-1213-31 and 32, Pert Exc BACA Feb 7 Minutes

Project Manager: Susan Connors, Director of Planning and Community Devel

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

1	Planning Commission	02/14/2013	Recommended for Adoption at a subsequent City Council Meeting	City Council	03/12/2013	Pass
	Action Text:	A motion was made by Commissioner Sherrer, seconded by Commissioner Bahan, that this Zoning Ordinance be Recommended for Adoption at a subsequent City Council Meeting to the City Council , due back on 3/12/2013. The motion carried by the following vote:				
1	City Council	03/12/2013	Introduced and adopted on First Reading by title only			Pass
	Action Text:	That this Ordinance be Introduced and adopted on First Reading by title only. by consent roll call				

Text of Legislative File O-1213-31

O-1213-31

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 422.1 (AMENDMENTS) OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO ALLOW CONCURRENT SUBMITTAL OF PRE-DEVELOPMENT AND PLANNING COMMISSION APPLICATIONS; REGULATING TIME BETWEEN PRE-DEVELOPMENT AND PLANNING COMMISSION MEETINGS; SPECIFYING NOTICE REQUIREMENTS AND CLARIFYING OTHER SUBMITTAL REQUIREMENTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. That Section 422.1, Amendments, of Chapter 22 of the Code of the City of Norman shall be amended to read as follows:

* * * * *

SEC. 442.1 - AMENDMENTS

1. When a formal application is filed that would amend the NORMAN 2025 Land Use and Transportation Plan, rezone any parcel larger than forty (40) acres, grant a Special Use on a tract, or allow for the issuance of a construction permit for a new Commercial Communication Tower (cell tower), a Pre-Development Informational Meeting must be held before the item can be considered by the Planning Commission. Any applicant contemplating rezoning of any parcel containing less than forty (40) acres may voluntarily requests a pre-development meeting, subject to the same filing requirements. If an applicant has chosen not to schedule a Pre-Development Information Meeting and his application generates a filed protest comprising at least twenty (20) percent of the required notification area, the item must be postponed until such a Pre-Development meeting can be held before the City Council considers the application. (O-0809-14)

2. The purpose of the Pre-Development meeting is to allow surrounding neighbors to meet with the applicant in an informal setting and gain information about the proposed application. In order for the meeting to occur, the following items must accompany your completed application to the Planning Department:

a. The written legal description of the property.

b. A written description of the proposed project which provides details of the proposal, such as the proposed use and the number and type of buildings. The narrative should provide as much detail as practicable, without being lengthy or technical. (O-0809-14)

c. A generalized site plan must accompany any request for commercial, industrial, multifamily, Special Use, or construction of a new Commercial Communication Tower, showing proposed buildings, parking, driveway entrances, landscaping areas, and screening. A 24" x 36" full-sized drawing and an 8 ½" by 11" reduction must be submitted. (O-0809-14)

d. A certified ownership list for all property within a three hundred fifty (350) foot radius of the exterior boundary of the subject request, said radius to be extended by increments of one hundred (100) feet until the list of property owners includes not less than fifteen (15) separate parcels, or until a maximum radius of one thousand (1,000) feet has been reached.

e. A completed Greenbelt Enhancement Statement if required by and in accordance with Section 4-2027 of the Code of the City of Norman. (O-1011-24)

A complete Pre-Development application packet must be filed in the Planning Department by 4:00 p.m. seventeen (17) days before the regularly scheduled Pre-Development meeting. At that same time, an application packet may also be submitted for a Plan Amendment, rezoning, or Special Use permit. By submitting both application packets at the same time, the application will be scheduled for a Pre-Development meeting, and then a Planning Commission hearing in the month immediately subsequent to the Pre-Development meeting.

However, if the application for Planning Commission hearing is not received in the Planning Department with the Pre-Development Application according to the above deadline, the application will be scheduled for a Planning Commission hearing at the time that application is received in the Planning Department.

Pre-Development meetings will be held on an as-needed basis, and are anticipated to occur once a month. Staff will notify all persons identified on the certified ownership list, and will include a copy of the written description of the proposed project as well as any reduced drawings. If an applicant does not submit an application for Planning Commission within six months from the date of the Pre-Development meeting, a new Pre-Development meeting must be held prior to the Planning Commission hearing.

* * * * *

§ 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

ADOPTED this _____ day of

of _____, 2013.

_____
Cindy Rosenthal, Mayor

NOT ADOPTED this _____ day

of _____, 2013.

_____
Cindy Rosenthal, Mayor

ATTEST:

_____
Brenda Hall, City Clerk

O-1213-31

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 422.1 (AMENDMENTS) OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO ALLOW CONCURRENT SUBMITTAL OF PRE-DEVELOPMENT AND PLANNING COMMISSION APPLICATIONS; REGULATING TIME BETWEEN PRE-DEVELOPMENT AND PLANNING COMMISSION MEETINGS; SPECIFYING NOTICE REQUIREMENTS AND CLARIFYING OTHER SUBMITTAL REQUIREMENTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. That Section 422.1, Amendments, of Chapter 22 of the Code of the City of Norman shall be amended to read as follows:

* * * * *

SEC. 442.1 - AMENDMENTS

1. ~~Before~~ When a formal application ~~can be~~ is filed that would amend the NORMAN 2025 Land Use and Transportation Plan, rezone any parcel larger than forty (40) acres, ~~or~~ grant a Special Use on a tract, or allow for the issuance of a construction permit for a new Commercial Communication Tower (cell tower), a Pre-Development Informational Meeting must be held before the item can be considered by the Planning Commission. Any applicant contemplating rezoning of any parcel containing less than forty (40) acres may voluntarily requests a pre-development meeting, subject to the same filing requirements. If an applicant has chosen not to schedule a Pre-Development Information Meeting and his application generates a filed protest comprising at least twenty (20) percent of the required notification area, ~~either the Planning Commission or City Council shall require that~~ the item must be postponed until such a Pre-Development meeting can be held before the City Council considers the application. (O-0809-14)

2. The purpose of the Pre-Development meeting is to allow surrounding neighbors to meet with the applicant in an informal setting and gain information about the proposed application. In order for the meeting to occur, the following items must accompany your completed application to the Planning Department:

a. ~~a copy of the deed to the property.~~ The written legal description of the property.

b. A written description of the proposed ~~rezoning (or Plan amendment, Special Use or construction of a new Commercial Communication Tower)~~ project which provides details of the proposal, such as the proposed use and the

number and type of buildings. The narrative should provide as much detail as practicable, without being lengthy or technical. (O-0809-14)

c. A generalized site plan must accompany any request for commercial, industrial, multifamily, Special Use, or construction of a new Commercial Communication Tower, showing proposed buildings, parking, driveway entrances, landscaping areas, and screening. ~~In addition to three full-sized drawings,~~ A 24" x 36" full-sized drawing and an 8 ½" by 11" reduction must be submitted. (O-0809-14)

d. A certified ownership list for all property within a three hundred fifty (350) foot radius of the exterior boundary of the subject request, said radius to be extended by increments of one hundred (100) feet until the list of property owners includes not less than fifteen (15) separate parcels, or until a maximum radius of one thousand (1,000) feet has been reached.

e. A completed Greenbelt Enhancement Statement if required by and in accordance with Section 4-2027 of the Code of the City of Norman. (O-1011-24)

A complete Pre-Development application packet must be ~~received~~ filed in the Planning Department by 4:00 p.m. seventeen (17) days before the regularly scheduled Pre-Development meeting. At that same time, an application packet may also be submitted for a Plan Amendment, rezoning, or Special Use permit. By submitting both application packets at the same time, the application will be scheduled for a Pre-Development meeting, and then a Planning Commission hearing in the month immediately subsequent to the Pre-Development meeting.

However, if the application for Planning Commission hearing is not received in the Planning Department with the Pre-Development Application according to the above deadline, the application will be scheduled for a Planning Commission hearing at the time that application is received in the Planning Department.

~~Such~~ Pre-Development meetings will be held on an as-needed basis, and are anticipated to occur ~~at least~~ once a month. Staff will notify all persons identified on the certified ownership list, and will include a copy of the written description of the proposed project as well as any reduced drawings. ~~This meeting must be completed before any formal zoning or Plan application can be filed with the City, but may not occur more than six (6) months before said filing.~~ If an applicant does not submit an application for Planning Commission within six months from the date of the Pre-Development meeting, a new Pre-Development meeting must be held prior to the Planning Commission hearing.

* * * * *

§ 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

ADOPTED this _____ day of

of _____, 2013.

_____
Cindy Rosenthal, Mayor

NOT ADOPTED this _____ day

of _____, 2013.

_____
Cindy Rosenthal, Mayor

ATTEST:

_____
Brenda Hall, City Clerk

ORDINANCE NO. O-1213-31 ITEM NO. 8

STAFF REPORT

ITEM: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 422.1 (AMENDMENTS) OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO ALLOW CONCURRENT SUBMITTAL OF PRE-DEVELOPMENT AND PLANNING COMMISSION APPLICATIONS; REGULATING TIME BETWEEN PRE-DEVELOPMENT AND PLANNING COMMISSION MEETINGS; SPECIFYING NOTICE REQUIREMENTS AND CLARIFYING OTHER SUBMITTAL REQUIREMENTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

BACKGROUND:
In an effort to further streamline the development process, staff is proposing an ordinance to amend Section 442:1 of Chapter 22 (Zoning Ordinance) of the City Code. These amendments will allow Pre-Development and Planning Commission meeting submittals in the same application cycle. The amendment is included for your review as Exhibit A.

The suggested amendment was presented to and discussed by the Council Business and Community Affairs Committee (BACA) during their February 2013 monthly meeting.

DISCUSSION:
Currently, the City requires properties that are applying for rezoning, Land Use and Transportation Plan amendments, Certificate of Survey and all forms of preliminary plats to conduct a pre-development meeting before applying to Planning Commission for consideration. Pre-development meetings generally occur on the last Thursday of each month, which then precludes an application from proceeding to the next scheduled Planning Commission meeting. The first opportunity for the development to appear on a Planning Commission agenda would be the following month. This adds approximately 28-30 days to the development process.

These ordinance amendments do not alter any requirement for preliminary plats, rezoning and Land Use and Transportation Plan amendments to conduct a pre-development meeting. The proposed amendments now allow a development to submit for a pre-development application and Planning Commission application in the same application cycle, which could potentially save an applicant approximately 28 days in the development process.

STAFF RECOMMENDATION:
Staff recommends approval of the attached Ordinance amendments.

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

FEBRUARY 14, 2013

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 14th day of February 2013. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions at least twenty-four hours prior to the beginning of the meeting.

Chairman Chris Lewis called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:
ROLL CALL

MEMBERS PRESENT	Roberta Pailes Cindy Gordon Andy Sherrer Jim Gasaway Sandy Bahan Tom Knotts Chris Lewis
MEMBERS ABSENT	Dave Boeck Curtis McCarty

A quorum was present.

STAFF MEMBERS PRESENT	Susan Connors, Director, Planning & Community Development Jane Hudson, Principal Planner Janay Greenlee, Planner II Ken Danner, Subdivision Development Manager Roné Tromble, Recording Secretary Leah Messner, Asst. City Attorney Larry Knapp, GIS Analyst II Terry Floyd, Development Coordinator

* * *

Item No. 7, being:
ORDINANCE NO. O-1213-32 – AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE I, SECTION 19-104; ARTICLE II, SECTIONS 19-201, 19-202 AND 19-204; ARTICLE III, SECTIONS 19-301, 19-307 TO 19-319; AND ARTICLE VI, SECTIONS 19-602 AND 19-606 AND ADDING ARTICLE III, SECTION 19-320 TO EXTEND THE VALIDITY PERIOD OF PRELIMINARY PLATS AND TO ESTABLISH FEES THEREFORE; TO REMOVE THE REQUIREMENT FOR PLANNING COMMISSION APPROVAL OF FINAL PLATS; AND TO REMOVE THE REQUIREMENT FOR PRE-DEVELOPMENT MEETING FOR PROPERTIES SUBDIVIDED BY CERTIFICATE OF SURVEY; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ITEMS SUBMITTED FOR THE RECORD:
1. Staff Report
2. Annotated Ordinance

and

Item No. 8, being:
ORDINANCE NO. O-1213-31 – AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 422.1 (AMENDMENT) OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO ALLOW CONCURRENT SUBMITTAL OF PRE-DEVELOPMENT AND PLANNING COMMISSION APPLICATIONS; REGULATING TIME BETWEEN PRE-DEVELOPMENT AND PLANNING COMMISSION MEETINGS; SPECIFYING NOTICE REQUIREMENTS AND CLARIFYING OTHER SUBMITTAL REQUIREMENTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ITEMS SUBMITTED FOR THE RECORD:
1. Staff Report
2. Annotated Ordinance

PRESENTATION BY STAFF:
1. Terry Floyd – To give you a little background about what we're doing with amendments to both the Subdivision Regulations and also to the Zoning Ordinance, we essentially have four changes in our development process. These are done in an effort to streamline and speed up our timeline for a property that's getting through the platting process and so forth. The four options we'll be talking about tonight are extending the validity of a preliminary plat to five years, and also adding an administrative approval process for an additional five years; the review and approval of final plats solely by the City Council; allowing for Pre-Development and Planning Commission concurrent submittal; and then additionally removing the requirement for a Pre-Development meeting for COS properties above 40 acres. This is coming from the Council Business and Community Affairs Committee. We met and discussed with them and the development community at three different meetings to develop this and get where we're at today on these changes. First Subdivision Ordinance we'll be talking about is extending the validity of the preliminary plat to five years and adding an administrative approval process. Currently, for those of you who may not be familiar, most preliminary plats are good for three years, and if any portion of that is final platted it buys an additional two years, so that preliminary plat is valid for five years. With this change, that would just be a straight five years that the preliminary plat would be good for that; there wouldn't be the additional requirement of the final plat to get those two years. Additionally, we're adding an extension process, very similar to what Oklahoma City does, in that if a preliminary plat is up for expiration, the developer can come in with that plat and, barring what we would consider a major amendment to the plat, which is outlined in the ordinance, then with a $900 fee, formal letter, and application then that could be administratively approved by the Development Review Committee and then, therefore, that plat can then be extended administratively another five years. There is a requirement in this that any plat, as it comes forward to final platting, will comply with any changes in subdivision regulations or zoning or any of our engineering design criteria, land use plan – so, essentially, when that plat become final plat, any of those changes will be adhered to then and looked at. We look at some considerations for this change. We look at it could be a potential benefit to some of our larger subdivisions – those particularly well over 60-70 acres that

may be 10-15-20 years to build out. This could allow them to essentially continue that without sending it all the way back through the process and the costs for the development. Again, with the administrative review, that's just one less time that has to come back through and, when there are no changes, essentially, like tonight there was very few changes to the St. James Park plat so you saw that landed on the Consent Docket.

In the interest of time, go ahead and get to number 2 in our subdivision ordinance amendments. This is review and approval of the final plats by the City Council only. As you saw tonight, final plats are a Consent Docket item for Planning Commission. Generally, barring any major amendments, these plats are looked at by our Development Committee – all the plans and so forth are looked at and forwarded with a recommendation to the Planning Commission. Planning Commission makes that recommendation and it moves forward to Council. With this change, what's going to happen essentially is the Development Review Committee will make that recommendation. It will not appear on your Consent Docket any longer. The Development Review Committee will be responsible for the final plat construction plan approval, and also that will then allow them to issue – or authorize Public Works to issue construction plans. They'll also review the final plat requests for any public improvement deferrals and will make that recommendation to Council. This is being done, again, in an effort to save time through the development process because what can happen is if you have a final plat that you miss the Planning Commission deadline then you're waiting another whole month to show back up for something that is generally a Consent Docket item and we estimate this can save an applicant maybe even 30 days in the development process. Also see this development change as a big help for smaller commercial developments or maybe industrial developments that are on a very limited timeline for opening. Let's say they want to try to be up and have a building permit in 100 days or have a building completed in 120 days – 30 days makes a huge difference.

The third change we'll talk about is the change in the Zoning Ordinance. This is the change that allows a property to apply for Pre-Development and also for Planning Commission in the same application cycle. As you know, today development has to complete a Pre-Development meeting if they're a Land Use Plan change, rezoning, certificate of survey, and all forms of preliminary plats have to go through a Pre-Development meeting. By the time that meeting is complete, they've missed the deadline for that next month's Planning Commission, so that means that's another whole month before they get there, again adding additional time to the development process. This change allows, at the developer's option, to put those applications in at the same time. Again, that is the developer's option. The Pre-Development meeting is still good for six months. Additionally, at times the applicant may do a Pre-Development meeting to gauge the interest of the community, and if they feel that that interest, or there's changes to be made, they may not move forward to the Planning Commission in the same month. So, again, this is just an option we're moving forward to them. It does not preclude the requirement for any of these types of developments to go through a Pre-Development meeting, so I wanted to be sure that was clear as that question has come up previously.

The fourth change we talk about tonight is another change to the Subdivision Ordinance. That's the requirement for a Pre-Development meeting for any certificate of surveys that are over 40 acres. Any parcel smaller than 40 acres in the COS does not have to go through a Pre-Development meeting. We don't get a lot of very large certificate of survey properties. If there is anybody there at the Pre-Development meeting, it's out of curiosity. Sometimes these are family plats or family land and so, again, just an effort to remove that step, particularly in private property ownership. We would say that would be at the option of the property owner and they may or may not go through that process.

I believe I've worked through some of the items. I'll be happy to answer any questions the Commissioners may have.

2. Mr. Sherrer – Talk about how Norman compares with other communities within the Metro. Mr. Floyd – We're about in the middle. Some communities are 1 and 2 years on a preliminary plat. Some have an appeal to the Planning Commission for an additional year and/or the

Community Development Director. Oklahoma City is five years. I believe Moore is 2 with the ability to appeal for an additional year. So ours is already among the longer time periods for preliminary plat.

3. Chairman Lewis – With regard to fees, are we on a comparable scale to Oklahoma City and those communities that you just mentioned? Mr. Floyd – When we talk about plat extension fees, we had a whole meeting on this last month where we broke down analysis of staff costs. Oklahoma City is the only other Metro community that's doing something similar to this. Their fee is $1,200 for this plat extension, but their original plat fee varies anywhere from $2,200 to $2,500. Our plat fee is $150 plus $10 an acre. A $900 fee is something that the development community felt was a fair price for this extension. So that's kind of where we compare on that, too.

4. Chairman Lewis – I guess that sparks a question. Why would we charge more for an extension as opposed to initially filing the plat itself? Mr. Floyd – This was a question that the Community Affairs Committee had as well. What they tasked staff to do was go back and look at what it actually cost us to do this. In our analysis, we came up with any plat with an amendment is going to cost the City $900 worth of staff time. That's maybe a little bit of overhead in there, but that's just direct time cost. So when we try to figure a plat fee, if you maybe just charged what the original plat fee was, in some cases, if you have a development that's 100 acres, if they pay the same initial fee, they would pay well over $1,000 for the extension. So $900 was a compromise and was a fee that the Community Affairs Committee and the development community felt would be a fair and applicable cost. Chairman Lewis – So this was a number that was reached with everybody at the table agreeing to a number? Perfect.

5. Mr. Knotts – Could you talk to me a little bit about the Development Committee? Mr. Floyd – That's a committee that's comprised of the Utilities Director, Planning & Community Development Director, also the Public Works Director, City Engineer, Principal Planner, and Subdivision Development Manager. That committee is who makes those recommendations to you on the final plats that appear on your Consent Docket.

6. Mr. Knotts – If the renewal process skips the Planning Commission, is there a public notice that would be connected to we have this plat? Mr. Floyd – No. Part of the thought behind that is, if the plat is not amended to such a state that it would feel like it needs to go back through the process, it essentially has been heard previously by the property owners and whomever in the area. Mr. Knotts – But you're taking a Pre-Development meeting out of this. We're talking about five years, and five years later it's going to be renewed to something. And that's an administrative decision. I have problems with that, but it seems to me that there should be some public notice in there that would notify – the curtain falls and time passes and the people that live around it – the development that's initially involved in the process that should have some ability to input in that renewal process I would think. Mr. Floyd – I will make note of that. Again, one of the things in the ordinance that is outlined is the plat can only be amended so much. It can only be changed a very little bit before – and if those changes are beyond that scope, then it does exactly that.

7. Mr. Knotts – I have problems with that, too. I'm not a lawyer, but I have seen "My Cousin Vinny" several times. I think we heard enough times from the non-City legal staff that "substantial" and "significant" are not definable and that's pretty wishy-washy and it just depends on who is on that committee or who is absent that day whether something is considered that it falls under needing to have a new process. Mr. Floyd – Again, we worked with the development community on this term. We have to leave a little flexibility in the language for the experts and the developer, in some cases, to reach some sort of decision on this, and there may be times when a change is not substantial.

8. Mr. Knotts – I really have a problem with the ability for the Development Committee to approve administratively that renewal based on what seem to be not very clear criteria. "Substantial" twice; "significant" and we've had that argument from the development community, and so I think that's a problem.

9. Mr. Knotts – I don't have a problem with Item 8, trying to cohabitate or file, but it seems like Item 7 has some real problems in the language. Mr. Floyd – It came up in subcommittee as well and that's why we drafted that language as to what the staff could or could not approve. That was one of those wording changes that we allow in there again to try to give a little bit of flexibility to both the staff and the developer to try to work out – and there may be circumstances where that cannot be worked out.

10. Mr. Knotts – So here's my problem with that. We've been badgered quite a bit by the development community about trying to have some of this flexible language, and now we've put it into an ordinance that essentially helps the development community. I don't have a problem with them, but I think that we need to be as tight as possible in the ability to define these changes that trigger either the administrative process or a new process. I mean, it talks about "minor" and that's such a subjective decision. I'm kind of concerned about that.

11. Mr. Knotts – On 7-9, paragraph (g), close to the end, it says complying with ordinance "occurring from the date of first renewal" – I think that probably ought to be from "first approval". Mr. Floyd – I can ask Legal if there's a difference in the term. Mr. Knotts – If it's from the point of renewal, then there's a possibility that there's a gap of five years of changes that could be slipped by or not adhered to – seems to me. Mr. Floyd – Right. When we move forward to the final plat, those will have to be complied with. So there is that protection there. The preliminary plat is, again, a very important phase of the development process, but those things can also be worked out in the final plat when it moves forward.

12. Mr. Knotts – Then on 7-11, paragraph 21, first sentence – I know in new laws you try to update the language. I'm not really sure that we have "original tracing in black ink". It's obsolete language.

13. Ms. Pailes – You do have to note, of course, that this is a reduction in the role of the Planning Commission, and so Commissioners need to ponder how they feel about that. It's not much of a reduction, because approval of final plats is almost never held up, so it's not a great deal, but it is nonetheless a reduction in the small amount of advisory role that we have and needs to at least be noted, because, of course, the question is is the goal to eventually eliminate the Planning Commission? There is nothing written in stone about the City having a Planning Commission. A lot of them don't. A lot of them don't have citizen involvement at this particular context. That thought at least has to occur to you. Mr. Floyd – I just want to point out that the preliminary plat is still coming through here, and the way our development process works, the preliminary plat is very, very important to the development process. That's where a lot of the work is done and the decisions are first made, and when those changes were made in the development process in 2000, that was part of the change that those came forward to the Planning Commission. I would point that out, but I do understand what you're saying as well.

AUDIENCE PARTICIPATION:

1. Harold Heiple, 218 East Eufaula, representing the Norman Developers Council – Sean Rieger sent in an email earlier, I believe to the Chair, saying that he cannot be here tonight but the Homebuilders Association likewise supports, as do we, the recommendation for approval of both of these. I came to be very short and say we like your recommendation. But I appreciate My Cousin Vinny raising all these points that he's concerned about, and I appreciate Ms. Pailes coming up with a concern about is it an erosion of Planning Commission responsibilities. Let me start out by saying to you that this has been vetted by all the players to a great extent – lots of

conversation by the staff, by a City Council committee consisting of five Council members, and usually there were more than five at these meetings. There was considerable discussion. These things were tweaked and it came in over a period of time. It didn't just suddenly come off of somebody's pen at a desk in the staff room and come forward. So let me try to briefly touch on some of the concerns that you had.

First about notice. There's no requirement for a notice on a beginning preliminary plat. The notice requirement is with rezoning. Norman requires that if you're rezoning you must submit a preliminary plat with it. So that's why you see notice done because you see prelims and rezoning come together as a package to you. So there is notice at the inception before you approve a preliminary plat or send it forward you've had your public notice, you've had your public hearing, and people have attended.

Now, I really do appreciate the fact you recognize that over the years we were very concerned about ordinances that had "substantial compliance" or "minor changes" or "major changes" because of the subjectivity involved. As a matter of fact, that was a concern specifically of several members of the City Council – not wanting to get bogged down in that kind of subjectivity. We worked all through it and we took out a number of areas where that took place. In this one area we agreed that there is no way you can be so specific on what is a list of what is or is not minor or major that you could cover every possibility. We are leaving with the Director of Planning the decision-making as to is it minor or is it major, because if the Director of Planning says it's major then it's coming back to the Planning Commission. It's not the development community; it's the staff member who is responsible for implementing not only the ordinances in the community but the 2025 Plan so that giving that kind of subjective approval and flexibility to a staff member is not something that is at all likely to hurt the legitimate needs of the City of Norman. So you're not putting the fox in charge of the hen house when you're doing that. We feel very strongly that the language in these things has been vetted.

I can understand you look at particular sections and you think, well, I'd suggest changing white to caramel or some off color, but believe me it has been worked over and this business, for example, the $900 fee – recognize that might not be right and said bring it back if $900 turns out to be not the appropriate number – come back and do it; the flexibility is there. What we're trying to do is not to take away the powers of the Planning Commission. We're trying to reduce the undue time requirements imposed by Norman regulations on getting through the pipeline here. That's why we are the most expensive city in the state in which to develop – because of the time it takes. And by not coming back to you with a preliminary plat on an administrative extension is because the fact that it is not changed is something – and final approval of a preliminary belongs to the City Council, not to the Planning Commission, so the only thing you can do is make recommendations. If the Planning Director certifies that there has not been a change, then you really haven't been deprived of something. What you have done is say, thank you. You have saved us, as Planning Commissioners, the time of worrying on something that is just perfunctory and ministerial, because it really hasn't changed.

Let's go back to this idea about five years. Somebody says that if you can't build your project in five years, why include all this stuff? Because all of the requirements of the City for regional drainage solutions, as opposed to localized drainage solutions – all the requirements about transportation – master transportation plans – all the other requirements overall – general land use requirements that have developed within the last 10-15 years mean that the plats that are coming in now for subdivisions embrace many more acres – and these are 15 and 20 year projects. So the question becomes why, then, do you even preliminary plat something that's going to take you 20 years? And the reason is because the City of Norman requires that if I'm going to come in and final plat any part of a tract that I own, I must preliminary plat the entire tract. And there's a good, valid reason for that. And that's because, if I'm going to do a part of it, I've got to put a street in or streets someplace, but if that occupies only a portion of, let's say, a 40 or a 60 or a larger acre tract, then the City has got to see up front where is that street going to come out on the other side – on the far end or on the sides. Because, as we develop, you know that we've got to provide – you can't just stub in and leave it there and not worry about what's going to happen when the rest of the thing develops. So that's why we have to

preliminary plat every bit of the property. The old North Base – 585 acres when it was zoned – came in under one preliminary plat when there was absolutely no idea of what was going to happen out there from the inception. So these are things – these are legitimate requirements the City has had for years and we're not trying to get around those – they're good requirements – they're reasonable requirements. What we are saying is that there has been an awful lot of work put in on this in an effort to say that, really, we do need to streamline and we need to shorten the time in the pipeline in Norman, because time is money. If you're holding up – because you only meet once a month as a Planning Commission. We miss your deadline, another 30 days. If you're paying interest on a multi-hundred thousand dollar development loan, you're spending a whole lot of money just killing time. And we're not asking for things that require a legitimate analysis of land use for your recommendation to go forward. We're asking for things that are perfunctory and truly administrative to go straight on through and let's get 'em done so that we can proceed to turning out product that is on an equivalent costs basis to the ultimate consumer as our other neighboring communities afford to their consumers. With that, it really has been worked over. We owe a great deal of thanks to the staff, especially Terry Floyd who has coordinated this on behalf of the staff. They asked us for some starting points; we gave them. But, believe me, City Council members, staff members, development community – all have had considerable input in this. It doesn't come to you lightly. If something needs to be changed, the attitude is it will be changed, no problem. If that's out of date, that's no problem. That doesn't shut the process down. So please don't tweak the language. We'd respectively ask for you just to say this is a good deal to City Council. We recommend your approval. Thank you.

2. Chairman Lewis – In your opinion, have all vested parties had a chance to come to the table in actually producing this document that we have in front of us. Mr. Heiple – The builders and the developers certainly have. Staff will have to speak for itself, but can't think of any staff members who are typically in the game that haven't been participating in this. But Susan can speak better than I can as far as staff participation. And I can promise you that a majority of the City Council has been involved. Ms. Connors – These are primarily changes that affect Public Works and Planning Departments, and certainly those two departments as well as the City Manager's department have been very actively involved in this. And the Legal Department.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Gasaway – I'll just say I think these are some outstanding changes and I'm glad that we're able to streamline the process a little bit and congratulations to the staff and the development community on a good workout.

Jim Gasaway moved to recommend adoption of Ordinance No. O-1213-32 to the City Council. Cindy Gordon seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Roberta Pailes, Cindy Gordon, Andy Sherrer, Jim Gasaway, Sandy Bahan, Tom Knotts, Chris Lewis
NAYES	None
ABSENT	Dave Boeck, Curtis McCarty

Ms. Tromble announced that the motion, to recommend approval of Ordinance No. O-1213-32 to City Council, passed by a vote of 7-0.

2. Ms. Pailes – One can't help note the irony that, if we're extending the time period for plat to five years, that suddenly there is deep concern about 30 days. One can't help note the irony there. Item 8 is about time and the whole point that when this was developed time was the critical element and time between the two – Pre-Development and the Planning Commission –

was of the essence. It came about roughly from some comments by Mr. Heiple that when a plan was before Planning Commission a lot of time, effort and money had already gone into it and to disapprove a plan at that point was really quite a disservice to the development community because so much time and effort had already gone into it. At that point a citizen asked him, well, when is the time to discuss it, if the Planning Commission is too late to discuss it because of the amount of time and effort gone into a plan – when is the time to discuss it and to be critical – because, perhaps, not every development is a perfect match for the neighborhood and that community? Eventually, the response to that was that a Pre-Development meeting was the time to discuss it, before it moves forward to Planning. But you require time in between there. In the Pre-Development meeting, in a way, it raises the flag early for developers and lets developers know that there is a difficulty early in the process before it gets to Planning. It also allows a neighborhood to coalesce and develop an opinion. Everybody has got stuff to do. It takes up a lot of a neighborhood to organize around an issue. They can't do it immediately. To deprive a neighborhood of sufficient time to organize and present their ideas between the Pre-Development meeting and the Planning Commission would be a disservice. The Pre-Development meetings actually have worked. Issues have come up. The developers have decided to accommodate the issues – to change or not – but, in any case, they were well aware, then, of what the issues were. But if they are going to accommodate, they need some time to do this – time to negotiate, time to get back with architects, time to ponder some changes. If they rush straight forward to Planning Commission, they're going to be disinclined to negotiate, to change, to alter things that have been upsetting to the neighborhood or the community. In other words, I think this basically takes all the force and good out of the Pre-Development meetings, because it collapses the time and time is what it's about. The Pre-Development meetings are a time when there can be an effective avenue for citizen input. Shorten the times shortens their effectiveness for citizen input. They can be a great venue for actual transparency, since they're face-to-face meetings. Now, everybody elected in Norman says that their goals are transparency and citizen input, and this is actually something that functions to further both of those goals. So I would definitely vote against this, because, as I said, the space of time between Pre-Development and Planning is necessary to the function of the Pre-Development meeting.

3. Mr. Heiple – Those are legitimate questions. Let me say that, in the preliminary discussions since we've had experience with Pre-Development meetings, as this came up one suggestion was made let's just do away with the Pre-Development meetings. The immediate response among the development group at that time was no. The Pre-Development meetings have turned out to be helpful. No question about it. There is no effort to do that. Here's the problem. You ask for time. If I'm going to proceed under the present thing, I have to file by about the 6th of the month in order to get on a Pre-Development meeting in the 4th Thursday of the month. Let's take February. I'd have to file early in February to get on the February meeting. Under the rules, I can't even apply for Planning Commission – I can't even apply for rezoning until after that meeting. That means I can't get on the March Planning Commission docket, which is three weeks after the meeting – three weeks. I have to go clear to April. Now, what we have found is that, if there is a good distribution of what the applicant proposes to do, and it's suggested in here it will be mailed out with both map copies as well as the text of what the proposal is – it's a whole lot better than what the actual instructions and requirements are today, because when Massie drew up these things – requirements for a Pre-Development meeting – he not only put draconian requirements and expensive requirements on there about what you had to come in with, that just damn near equaled the expenses that had to be made in bringing in a preliminary plat. We pointed that out to them, and there was the same thing that said lawyers can't speak up for applicants at a Pre-Development meeting. And Mr. Massie and I had a closed door session about that and I said we're not going to be coming in with something that complies with the preliminary plat and if a client of mine wants me to speak at a Pre-Development meeting, I'll be speaking so understand that and if we're going to have a problem about that – well, that didn't become a problem, and it's been pretty informal in terms of those sort of allowances. But

the existing regulations that are on there are overly restrictive, so that's what we're trying to do is get out of there. Now, under what's before you now, you apply for the Pre-Development meeting. The notice is sent – you're still on the same timeframe as far as scheduling Pre-Development meeting. You have that Pre-Development meeting on the 4th Thursday of the month. You meet on the 2nd Thursday of the next month, which is some three weeks later. So the public has been brought in. They've had their 15 – 10 – 20 – 15 day notice – whatever it is. They've had a notice about it and they can come in to that Pre-Development meeting, which has been very beneficial in the opinion of those who have actually participated in Pre-Development meetings – and the actual experience has been that there have been comments made which can be adjusted on the fly. In today's computer-aided plan drawing it's not that tough to make changes in preliminary plats that are started out. It allows us, then, to find out if there is something that needs to be changed, or if there's something that's going to be objected to at the Planning Commission and subsequently at the City Council, and make a value judgment about whether to try to accommodate it or to try to design around it, or whatever. But, in terms of actual practice and actual fact, we're not taking away the notice. We're not taking away the opportunity. We don't want to take away the opportunity for them to be heard. We want them to have that. We just don't want to be put into the deep freeze for an unnecessary extra month delay on something that can be expressed – if you can't make up your mind within 15 to 20 days as to whether or not you like something that's proposed for your neighborhood, then I'm sorry but you're not entitled to another month. So we don't need to give the public an extra month for that. We're certainly not trying to do away with the Pre-Development meeting. Thank you.

4. Chairman Lewis – I think what we have before us in the ordinance amendments – No. 7 and No. 8 – are an extraordinary effort between all parties – builders, developers, Council members, staff – in coming together and making something that actually meets the needs of everyone.

Andy Sherrer moved to recommend adoption of Ordinance No. O-1213-31 to the City Council. Sandy Bahan seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Cindy Gordon, Andy Sherrer, Jim Gasaway, Sandy Bahan, Tom Knotts, Chris Lewis
NAYES	Roberta Pailes
ABSENT	Dave Boeck, Curtis McCarty

Ms. Tromble announced that the motion, to recommend approval of Ordinance No. O-1213-32 to City Council, passed by a vote of 6-1.

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CITY COUNCIL
BUSINESS AND COMMUNITY AFFAIRS COMMITTEE MINUTES

February 7, 2013

The City Council Business and Community Affairs Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 9:00 a.m. in the Conference Room on the 7th day of February, 2013, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Jungman, Spaulding, and Chairman Lockett
ABSENT:	Councilmembers Kovach and Williams
OTHERS PRESENT:	Councilmember Roger Gallagher, Ward One Mayor Cindy Rosenthal Mr. Trey Bates, 3720 Timberidge Drive Ms. Tessa Beder, Norman Chamber of Commerce Mr. Steve Ellis, 633 Reed Avenue Mr. Harold Heiple, 218 East Eufaula Ms. Joy Hampton, The Norman Transcript Mr. Don Wood, Executive Director, Norman Economic Development Coalition
STAFF PRESENT:	Mr. Jeff Bryant, City Attorney Ms. Susan Connors, Director of Planning and Community Development Mr. Ken Danner, Subdivision Development Manager Mr. Terry Floyd, Development Coordinator Mr. Jud Foster, Director of Parks and Recreation Mr. Anthony Francisco, Director of Finance Mr. Steve Lewis, City Manager Ms. Leah Messner, Assistant City Attorney Mr. Shawn O'Leary, Director of Public Works Mr. Scott Sturtz, City Engineer Ms. Syndi Runyon, Administrative Technician IV

Item 1, being:

CONTINUED DISCUSSION REGARDING STREAMLINING THE DEVELOPMENT PROCESS.

COSTS ASSOCIATED WITH REVIEWING PLATS

Mr. Terry Floyd, Development Coordinator, said in its meeting of January 3, 2013, the Business and Community Affairs Committee (BACA) continued their discussion regarding options to streamline the City's current development process. Staff presented research related to development timelines in communities comparable to Norman and presented language that clarified what constitutes an administrative change in a preliminary plat as a part of the proposed preliminary plat extension ordinance. Staff was asked to research the City's costs associated with reviewing plats as part of the proposed preliminary plat extension process and explore options for streamlining the pre-development meeting process.

Item 1, continued:

Mr. Floyd said Staff researched personnel costs associated with conducting a review of a preliminary plat and utilized a cost analysis that factored each employee involved in each phase and review of the employee's estimated time during each phase of review. He said hourly wage figures include the employee's salary and benefits based on the employee's current rate.

During the streamlining review, it became evident that two cost totals would be needed, one based on a preliminary plat review with no changes and one based on a preliminary plat review with minor amendments. In the proposed preliminary plat extension process, the following conditions will be considered as minor amendments to a preliminary plat applying for extension that can be approved administratively:

- An increase in the number of lots up to 10% or decrease in the number of lots
- Changes to parkland location upon recommendation of approval by the Director of Parks
- Street alterations that concurrently accompany a request for an increase or decrease in the number of lots without substantial altering

Mr. Floyd said the proposed fee for a preliminary plat with no amendments is $450 and the proposed fee to review preliminary plats with minor amendments is $900 and highlighted the proposals. He said the cost difference is due to the number of Staff involved and estimated amount of additional time involved in each review.

Mr. Floyd said Staff previously proposed an extension fee of $1,200 to be consistent with fees charged by Oklahoma City (OKC) for a similar process. He said representatives from the development community stated they would be willing to pay the same fee they pay for a preliminary plat filing which is $150 plus $10 per acre. He said depending upon the size of the development; fees could range from $160 for smaller developments to over $1,000 for larger developments. He said once a fee schedule has been determined, a biennial review will be done to ensure fees are adequate. Councilmember Castleberry said he was pleased the schedule will be reviewed regularly.

Councilmember Gallagher asked how an "adequate" fee could be determined when Staff is already working in that discipline and Mr. Floyd said Staff would look at the time it takes to review the plat to make sure time is adequately accounted for. Councilmember Castleberry asked if time will be tracked and Mr. Steve Lewis, City Manager, said yes, the proposals are estimates at this time.

Councilmember Gallagher said if there is no change or a simple change to a preliminary plat it would not involve every Staff person that reviewed the original preliminary plat and Mr. Floyd said generally, the Staff he listed is involved in the initial process as well as the extension process, but if an amendment did not include park changes then the Parks Department would not be involved. Councilmember Castleberry said it appears Staff is using a worst-case scenario in listing Staff that could be involved in reviewing the plat, but that does not necessarily mean they <u>will</u> be involved and Mr. Floyd said that is correct. Councilmember Castleberry asked if there was Staff that could possibly review the plat that are not listed and Mr. Shawn O'Leary, Director of Public Works, said the Fire Department. He said public safety is always a concern. Councilmember Castleberry asked what their role would be in reviewing the plat and Mr. O'Leary said they would be reviewing the water system to ensure there is enough water coverage for extinguishing fires, access to the development, lane width, etc. Councilmember Gallagher said water usage will become more serious given the drought situation. Mr. O'Leary said the City's Code is very clear on what every subdivision has to produce in terms of gallons per minute at a hydrant and coverage to every house.

Item 1, continued:

Councilmember Castleberry asked if the application is an extension of a previously approved plat, what factors would change that aspect and Mr. O'Leary said there should be no factors. Mr. O'Leary said changes are not always internal to the plat, they could be external to the plat (the perimeter). Councilmember Jungman asked if Staff ever visited a development site and Mr. O'Leary said yes, there are extensive site visits. Councilmember Jungman asked if Staff visits the site when a developer applies for an extension and Mr. O'Leary said yes, generally to review perimeter property changes. Councilmember Castleberry asked if that Staff time is included in the proposals and Mr. O'Leary said yes, an estimated time. Councilmember Jungman asked if proposals include costs for the use of City vehicles and Mayor Rosenthal thought that was a good point. She said contractors and engineers include time, fuel, mileage, etc., into their costs so she did not have a problem with the City's extension fee covering direct costs, which is standard practice. Mayor Rosenthal said the proposals just include costs of doing business, generally.

Mayor Rosenthal asked how long OKC has charged $1,200 for plat extensions and Mr. Floyd said since the mid 1990's. He said their filing fees range from $2,200 for a plat under ten acres to $2,500 for anything over ten acres so $1,200 is basically half their initial filing fee. Mayor Rosenthal said the City of Norman needs two levels of fees with amendments having a higher cost. She felt the City should charge $1,200 for minor amendments and $600 for no amendments. Councilmember Castleberry said he would not be opposed to that, but $900 and $450 would actually make Norman more competitive. Councilmember Jungman liked the idea of matching cost to Staff time as it is a good principal. Councilmember Gallagher asked if OKC based their fees on employee time and wages and Mr. Floyd said he did not research OKC Staff costs. Councilmember Gallagher asked if that would be a factor and Mr. Lewis said Staff does not know OKC's factors as that is an internal issue within that City. Mr. Floyd said OKC processes 12 to 15 plats per year whereas Norman processes four to five maximum. He said he expects residential subdivision developers to use the extension more than commercial developers.

Mr. Trey Bates, 3720 Timberidge Drive, said he is concerned about the ambiguity of what constitutes a minor amendment. He suggested splitting the difference for a fee of $900. Councilmember Castleberry asked if most extensions have amendments and Mr. O'Leary said he did not think any extension is ever submitted without a change. He said the question is whether the changes are minor or major.

Councilmember Castleberry said the simpler the City can make the process, the better. He said more Staff time and cost has been invested on this discussion than he feels is necessary and encouraged Council to move forward. He said the fees are immaterial in a $240 million budget.

Chairman Lockett said businesses would rather have consistency and know what fees will be charged and having a competitive edge would be nice.

Mayor Rosenthal said she was fine with charging $900 and Mr. Floyd asked if $900 was the consensus of Council and they said yes. Councilmember Castleberry said he was comfortable with that since the process can be reviewed later and fees changed if warranted.

Mr. Steve Ellis, 633 Reed Avenue, asked if the $900 fee is the City's way of subsidizing plat extension in order to compete with OKC and Councilmember Castleberry said subsidizing is not the correct word. He said as long as the City if averaging out and does not have a material cost, he is comfortable with that. Mayor Rosenthal said Mr. Ellis has a relevant philosophical point; however, the City is in the service business so the City is trying to cover direct personnel cost while providing a service and recognizing all costs will not be covered. Councilmember Castleberry said he would rather the fee be a little low opposed to not getting a development because the fees were too high, which could ultimately cost the City thousands of dollars in revenue. Councilmember Gallagher said the point is to be competitive and provide a good service for a decent price so businesses will want to build in Norman. Councilmember Jungman said he did not favor trying to be competitive on plat fees, but if $900 if fair, fair is good. Councilmember Castleberry asked if he could quote Councilmember Jungman on not wanting to be competitive and he said he could quote him on stating he does not want to be competitive on plat fees.

Item 1, continued:

OPTIONS FOR STREAMLING THE PRE-DEVELOPMENT MEETING PROCESS

Mr. Floyd said the City currently requires applicants applying for rezoning, Land Use and Transportation Plan (LUP) amendments, Certificates of Survey (COS), and all forms of preliminary plats to attend a pre-development meeting before the application is eligible to be submitted for Planning Commission's (PC) consideration. The first opportunity for the development to appear on a PC agenda is the following month, which can add approximately 28 to 30 days to the development process. He said Staff and the development community discussed options to condense the timeline for pre-development meetings and PC submittal.

Mr. Floyd said the purpose of the pre-development meeting is to allow surrounding neighbors to meet with the applicant in an informal setting and gain information about the proposed application. He said an option to streamlining the process is to allow pre-development meetings to be held on an as-needed basis. The proposal will also allow an applicant to submit their application for a pre-development meeting and Planning Commission meeting in the same application cycle, which could reduce the timeline by approximately 28 to 30 days. He said the choice is up to the developer on whether or not to skip the pre-development meeting and many may choose to have the meeting. He said the proposal would require an amendment to Section 19-301 of the subdivision regulations and Section 442.1 of the Zoning Ordinance.

Mr. Floyd said the amendments may be beneficial to smaller commercial developments or industrial prospects that may be working on a compressed timeline. The developer may choose to hold a pre-development meeting in advance of the PC submittal to receive and/or resolve questions or concerns the surrounding property owners may have. The pre-development meeting is valid for up to six months before PC submittal.

Councilmember Jungman asked if pre-development meetings are valid after a PC meeting and Ms. Susan Connors, Director of Planning and Community Development, said the pre-development is expired at that time and no longer valid. She said if any changes are made the applicant must go through the development process again.

Mayor Rosenthal said the original trigger for protests is currently 20% and the proposal is suggesting 30% and asked why the change since it is rare to even receive 20%. Ms. Connors said it was suggested by the development community and there did not seem to be any harm in changing the percentage. Mr. Harold Heiple, 218 East Eufaula, said protests on pre-development meetings are not as important as protests filed with the PC. He said 30% would be more indicative of problems or concerns and adds protection to neighborhoods. Mayor Rosenthal felt the applicant is already allowed to forego the pre-development meeting so adding 30% protest seemed unfair to property owners who do not get a "peek" at the development. Mr. Heiple said if 30% versus 20% is a deal buster, change it back to 20% and move on and Mayor Rosenthal said she would be more comfortable with 20%.

Mr. Floyd said the proposed amendments could be submitted for PC review on February 14th and to Council for First Reading on March 12th and Second and Final Reading on March 26th. He said if Council prefers, the information can be presented at a Study Session for additional comment or review. Mayor Rosenthal did not believe a Study Session would be necessary and told Staff to submit the proposals to PC on February 14th and if there is significant feedback suggesting Council should reconsider, a Study Session can be scheduled.

Items submitted for the record

1. Memorandum dated January 31, 2013, from Terry Floyd, Development Coordinator, to Council Business and Community Affairs Committee with Attachment A, City of Norman Employee – Total Hours and Cost, No Amendments to Preliminary Plat; Attachment B, City of Norman Employee-Total Hours and Cost, With Amendments to Preliminary Plat; and Attachment C, Draft Ordinance
2. PowerPoint presentation entitled, "City of Norman Development Streamlining Options," Council Business and Community Affairs Committee, dated February 7, 2013

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: O-1213-32

File ID:	O-1213-32	**Type:**	Ordinance	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 31	**In Control:**	City Council
Department:	City Manager Department	**Cost:**		**File Created:**	01/22/2013
File Name:	Subdivision Regs Amendment			**Final Action:**	

Title: CONSIDERATION OF ORDINANCE NO. O-1213-32 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE I, SECTION 19-104; ARTICLE II, SECTIONS 19-201, 19-202 AND 19-204; ARTICLE III, SECTIONS 19-301, 19-302, 19-307 TO 19-319; AND ARTICLE VI, SECTION 19-602 AND 19-606 AND ADDING ARTICLE III, SECTION 19-320 TO EXTEND THE VALIDITY PERIOD OF PRELIMINARY PLATS AND TO ESTABLISH FEES THEREFORE; TO REMOVE THE REQUIREMENT FOR PLANNING COMMISSION APPROVAL OF FINAL PLATS; TO AMEND THE DEVELOPMENT APPLICATION PROCESS; AND TO REMOVE THE REQUIREMENT FOR PRE-DEVELOPMENT MEETING FOR PROPERTIES SUBDIVIDED BY CERTIFICATE OF SURVEY; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Notes: ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-32 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-32 upon Final Readnig as a whole.

ACTION TAKEN: _____

Agenda Date: 03/26/2013

Agenda Number: 31

Attachments: Text File O-1213-32, O-1213-32, O-1213-32 Annotated, O-1213-32 Staff Report Sect. 19-302, 2-14-13 PC Minutes - O-1213-31 and 32, 3-14-13 PC Minutes - O-1213-32, Pert Exc BACA Feb 7 Minutes

Project Manager: Terry Floyd, Development Coordinator

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

1	Planning Commission	02/14/2013	Recommended for Adoption at a subsequent City Council Meeting	City Council	03/12/2013	Pass
	Action Text:	A motion was made by Commissioner Gasaway, seconded by Commissioner Gordon, that this Ordinance be Recommended for Adoption at a subsequent City Council Meeting to the City Council , due back on 3/12/2013. The motion carried by the following vote:				
1	City Council	03/12/2013	Introduced and adopted on First Reading by title only			Pass
	Action Text:	That this Ordinance be Introduced and adopted on First Reading by title only. by consent roll call				
1	Planning Commission	03/14/2013	Recommended for Adoption at a subsequent City Council Meeting	City Council	03/26/2013	Pass
	Action Text:	Motion by Jim Gasaway, seconded by Curtis McCarty, to recommend adoption of Section 19-302 of Ordinance No. O-1213-32. The motion passed by a vote of 6-0.				

Text of Legislative File O-1213-32

Body

BACKGROUND: In an effort to further streamline the development process, staff is proposing an ordinance to amend the following sections of Chapter 19 (Subdivision Regulations) of the City's Code: Article I, Section 19-104; Article II, Sections 19-201,19-202 and 19-204; Article III, Sections 19-301,19-302, 19-307 to 19-319; and Article VI, 19-602 and 19-606; and adding Article III, Section 19-320. The proposed amendments and addition will:

1) extend the validity period of preliminary plats,

2) establish an administrative approval process for a plat extension of an additional 5 years and set fees for the extension,

3) remove the requirement for Planning Commission approval of Final Plats,

4) allow an applicant to apply for a pre-development meeting and Planning Commission meeting for preliminary plats during the same application cycle and

5) remove the requirement of a pre-development meeting for Certificate of Survey properties larger than 40 acres.

These suggested ordinance amendments and addition were presented to and discussed by the Council Business and Community Affairs Committee (BACA) during its December 2012, January 2013 and February 2013 monthly meetings. These Ordinance amendments were also presented to the Planning Commission during its February 2013 monthly meeting. These amendments are being brought forward upon recommendation of both the BACA and the Planning Commission.

DISCUSSION: Brief descriptions of each of the changes being proposed in the Ordinance amendments are outlined below.

Extending the Validity of Preliminary Plats to 5 Years and Adding an Administrative Plat Extension Process (Amending Sections 19-201, 19-301, 19-305, & 19-307)

Staff has met with members of the development community and BACA to discuss the possibility of amending the Subdivision Regulations and Zoning Ordinance to extend the life of preliminary plats and allow for an administrative renewal of preliminary plats that are approaching expiration. The development community favors allowing plats to remain active longer, thereby allowing more flexibility in bringing new developments to market.

Currently, preliminary plats are valid for three years after approval by the City Council. If any section of the

preliminary plat is final platted during that three year validity period, the preliminary plat remains valid for an additional two years. However, if a preliminary plat is not final platted within that validity period, the plat expires and must go back through the entire plat approval process.

The amendments proposed for consideration increase the validity period of a preliminary plat to five years and retain the automatic extension of an additional two years to the life of the preliminary plat upon approval of a final plat for any section of the development. In addition, the amendments create an administrative renewal process.

This proposed administrative renewal process would allow an applicant to renew a preliminary plat for an additional five year term after initial approval. The administrative renewal process would only be available if the preliminary plat to be renewed is identical to or contains only minor amendments to the preliminary plat currently on file. In order to administratively renew an eligible preliminary plat, an applicant must pay a $900 fee. If the preliminary plat is identical or only has minor changes, the Development Committee, consisting of members of the Planning staff and Public Works staff, may administratively renew the preliminary plat for an additional five years. Preliminary plats with more than "minor" changes will be required to go back through the standard approval process.

Under the City's current subdivision regulations (§19-306), changes to a preliminary plat that 1) reroute a collector street, 2) change the relationship between uses of land, 3) increase in the number of lots by more than 5%, or 4) request a change of specific elements of the preliminary plat cannot be administratively approved and must go back through the entire development process.

The following items establish criteria for what will be considered a minor change to a preliminary plat:

Items that can be administratively approved by the Development Committee:

Any increase in the number of lots up to 10%, or decrease in the number of lots can be approved by the Development Committee. Changes to parkland location may be approved by the Development Committee, upon recommendation of approval by the Director of Parks.

Any change in parkland location that is denied by the Director of Parks, must then be reapproved by the Planning Commission and Council.

Street alterations may also be approved by the Development Committee concurrently with a request for an increase or decrease in the number of lots, so long as the layout of the street is not substantially altered. All alterations to streets must conform to adopted public safety and traffic management standards before being approved administratively.

If the Development Committee determines that a plat amendment is not minor, the Development Committee will require that the preliminary plat to go back through the plat approval process.

If the proposed preliminary plat amendments are minor, the Development Committee may administratively renew the preliminary plat.

Items that cannot be administratively approved by the Development Committee:

- Substantial alteration to the layout and use of the preliminary plat
- Increases the number of lots by more than 10%
- Substantial alterations of street layouts
- Significant alterations to the design and scope of the preliminary plat

Additionally, the proposed amendments outline that preliminary plats, upon submission of a final plat, must adhere to all modifications to Chapter 19, or other pertinent chapters of the Code of Ordinances that have been approved from the date of the first renewal of the preliminary plat to its final plat submission to Council. This statement encompasses changes that may be made to the Subdivision Regulations (Chapter 19), Zoning Ordinance (Chapter 22), Norman Land Use and Transportation Plan (as outlined in Sec. 19-401 of the subdivision regulations), Engineering Design Criteria and Standard Specifications and Construction Drawings

(as outlined in Sec. 19-503 of the subdivision regulations). Any modifications to these chapters and/or sections must be shown and adhered to by the developer upon submission of a final plat. A note must be placed on the renewed preliminary plat as a reminder that such changes must be complied with upon submittal for approval of the final plat. Secondly, if there are intervening changes, a revised preliminary plat, incorporating those changes, must be reapproved prior to or concurrent with approval of the final plat.

Removal of the requirement for Planning Commission approval of Final Plats (Amending Sections 19-104, 19-201 ,19-204,19-308-309, 19-312, 19-315, 19-318, 19-320 & 19-602)

The Planning Commission currently reviews Final Plats in order to ensure that all the public dedications are provided and that the Final Plat conforms to the previously approved Preliminary Plat. After the Planning Commission approves a Final Plat, the Final Plat is then sent to City Council for approval and acceptance of public dedications. Final Plats are checked by City Staff to ensure compliance with the Preliminary Plat and a staff report is included with the Final Plat approval items before Planning Commission approval. Typically, the Final Plat conforms to the previously approved Preliminary Plat and thus Planning Commission review of Final Plats is part of the consent agenda and handled as a fairly routine matter.

For that reason, it has been suggested that eliminating Planning Commission consideration of final plats in the review process may be a potential time saver for applicants. Within the proposed amendments, whenever an applicant submits for final plat approval, that item would then be eligible to be approved by the City Council. Under the proposed ordinance amendments, the Planning Commission and City Council would still be responsible for approval of the preliminary plat, and City Council will still be responsible for acceptance of public improvements and easement dedications with the approval of a development's final plat. The Development Committee (DC), compromised of City staff, will review and approve plans prior to Council approval of a final plat. The DC will also be responsible for approving the program for accomplishing the required public improvements and will authorize the Public Works Department to issue construction permits for such improvements.

Removal of the requirement of a pre-development meeting for Certificate of Survey properties larger than 40 acres (Amending Section 19-606)

The City requires Pre-Development meetings to be held between the developer and the neighboring property owners to discuss potential applications for rezoning, Land Use and Transportation Plan Amendments, Certificates of Survey greater than 40 acres, and preliminary plats prior to Planning Commission and City Council consideration. These pre-development meetings are generally conducted after the filing deadline for the following month's Planning Commission meeting. Under this timetable an applicant may need to wait over one month before an item will be eligible for consideration by the Planning Commission.

It has been suggested that Pre-Development meetings may be considered optional for these types of COS developments. Property owners may apply for Rural Certificates of Survey to subdivide large parcels located in either A-1 or A-2 zoning districts into smaller parcels of at least ten acres. The 350-foot notification zone, as is required for notification for a pre-development meeting, will often yield very few affected property owners. For this reason, COS pre-development meetings generally have low or no attendance by the surrounding property owners.

If this proposed ordinance amendment is adopted, it would remove the initial meeting between the developer and the surrounding property owners for COS developments of 40 acres or more, which may be the only notification to adjacent property owners that a development project is proposed to be built near their property. Making the Pre-Development meeting optional would allow the property owner to evaluate whether they felt a Pre-Development meeting would be beneficial toward resolving issues before taking the development forward.

Allowing an applicant to apply for a pre-development meeting and Planning Commission meeting for preliminary plats during the same application cycle (Amending Section 19-302)

This amendment to Chapter 19 will allow a preliminary plat applicant to apply for a pre-development meeting and Planning Commission meeting in the same application cycle. This is a companion amendment to Ordinance O-1213-31, regarding changes in the pre-development meeting application cycle. These changes

are further outlined in the agenda item for Ordinance amendment O-1213-31.

RECOMMENDATION: Staff recommends approval of amendments to the following sections of Chapter 19 (Sub-Division Regulations) of the City's Code: Article I, Section 19-104; Article II, Sections 19-201,19-202 and 19-204; Article III, Sections 19-301, 19-302, 19-307 to 19-319; and Article VI, 19-602 and 19-606; and the addition of Article III, Section 19-320.

The Planning Commission, at their meeting of February 14, 2013, by a vote of 7-0, recommended adoption of Ordinance No. O-1213-32. At their March 14, 2013, by a vote of 6-0, the Planning Commission recommended adoption of Section 19-302, which was inadvertently omitted from their review of the ordinance at the February meeting.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE I, SECTION 19-104; ARTICLE II, SECTIONS 19-201, 19-202 AND 19-204; ARTICLE III, SECTIONS 19-301, 19-302, 19-305, AND 19-306; ADDING A NEW SECTION 19-307; AMENDING SECTIONS 19-308 THROUGH 19-320; AMENDING ARTICLE VI, SECTIONS 19-602 AND 19-606 ; TO EXTEND THE VALIDITY PERIOD OF PRELIMINARY PLATS AND TO ESTABLISH FEES THEREFOR; TO REMOVE THE REQUIREMENT FOR PLANNING COMMISSION APPROVAL OF FINAL PLATS; TO AMEND THE DEVELOPMENT APPLICATION PROCESS; TO REMOVE THE REQUIREMENT FOR PRE-DEVELOPMENT MEETING FOR PROPERTIES SUBDIVIDED BY CERTIFICATE OF SURVEY; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. That Sections 19-104, 19-201, 19-202, 19-204, 19-301, 19-302, 19-305 through 19-320, 19-602 and 19-606 of Chapter 19 of the Code of Ordinances of the City of Norman shall be amended and/or added to read as follows:

* * * * *

Sec. 19-104. Relation to zoning.

In order to provide adequate information for evaluation and decision by the Planning Commission and the City Council, and to provide documentation of intent for public record, the following requirements are mandatory:

A. A rezoning request which includes any amount of unplatted land shall be accompanied by a preliminary plat of the land in question, and any adjacent land which is fifty (50) percent or more owned or under option to buy by the applicant; provided, however, that any land for which a plat is not required as a prerequisite for a building permit is exempted from this requirement. The preliminary plat shall be submitted for consideration as an agenda item before the Planning Commission simultaneously with the rezoning request.

B. In the instance of proposed planned unit development(s), as provided in Chapter 22 of this Code, five (5) copies of a site development plan shall also be included with the submission of the preliminary plat when application is made for Planning Commission approval.

C. Provided that no final plat may be considered for approval by the City Council until the preliminary plat and proper zoning in terms of density, lot size, and land use has been approved by the City Council regarding the subject property.

* * *

Sec. 19-201. Agenda.

Each plat submitted for preliminary approval shall be placed on the Planning Commission's agenda only after fulfilling the appropriate requirements of this chapter. However, a plat not meeting all the requirements may be submitted if the subdivider presents with the plat a letter requesting the specific exception(s) and enumerating in detail the reason(s) therefor.

* * *

Sec. 19-202. Filing fee.

To partially defray the costs of staff review and reports, a filing fee, calculated on the basis of the total acreage included within the property proposed to be platted, shall be paid to the City at the time of submission in accord with the following:

A. *Preliminary plats:* One hundred fifty dollars ($150.00), plus ten dollars ($10.00) per acre or portion thereof; provided, however, that for open space areas contained within a Rural Cluster Development the acreage charge shall not apply to that portion.

B. *Preliminary Plat renewal:* $ 900.00

C. *Final plat for all zoning district classifications:* Three hundred fifty dollars ($350.00), plus ten dollars ($10.00) per acre or portion thereof; provided, however, that for open space areas contained within a Rural Cluster Development the acreage charge shall not apply to that portion. In addition thereto, the following fees shall be assessed to cover the cost of the City's Geographic Information System expense:

1. One hundred dollars ($100.00) per lot for every lot in each final plat.

D. *Short form plats* (section *19-604* of this chapter), *and Norman Rural Certificates of Survey*: One hundred fifty dollars ($150.00), plus ten dollars ($10.00) per acre or portion thereof. In addition thereto, the following fees shall be assessed to cover the cost of the City's Geographic Information System expense:

1. One hundred dollars ($100.00) per lot for every lot in each final plat.

* * *

Sec. 19-204. Official recording.

No plat or description of land subdivision shall be filed in the office of the County Clerk, Cleveland County, until it has received approval of the preliminary plat and acceptance of the final plat by the City Council as required by law. No lots shall be sold from any plat until it has been recorded as herein provided. Failure to record such approved plat within two (2) years of approval of the final plat by the City Council shall void all approvals thereto.

* * *

Sec. 19-301. The preliminary plat: General.

The subdivider shall prepare a preliminary plat for presentation to the City. It shall conform with the minimum requirements of the Norman 2025 Plan, and this Code, and shall include the land in question, and any adjacent land partially or fully owned or under option by the applicant, notwithstanding that all of said land may never be finally platted.

For all cases of subdividing and development within the scope of this chapter, a preliminary plat of the land in question shall be drawn and submitted to the Planning Commission and City Council and a final plat of the land in question shall be submitted to the City Council for acceptance of dedications and improvements, as provided in this chapter.

* * *

Sec. 19-302. Preliminary Plat: Procedure for filing application for consideration of the Planning Commission.

1. When a Preliminary Plat ~~can be~~ is submitted to the Public Works Department for consideration by the Planning Commission, a Pre-Development Informational Meeting must be held. The purpose of the Pre-Development meeting is to allow surrounding neighbors to meet with the applicant in an informal setting and share information about the

proposed application. In order for the meeting to occur, the following items must be submitted to the Public Works Department:

(a) The written legal description of the property.

(b) A written description of the proposed development which provides details of the proposal that can be mailed to neighbors. The narrative should be as detailed as practicable, without being lengthy or technical. It should describe the proposed uses contained in the development, any proposed open space or parks, and connections to nearby major roads and subdivisions.

(c) Because this is a preliminary meeting, a fully finished preliminary plat is not required, however, three full-sized drawings are required, as well as an 8 ½" by 11" reduction, generally showing lots, roads, topography, flood plains, existing easements and structures, physical features (such as ponds, creeks, and large stands of trees), and proposed parks and open spaces.

(d) A site plan must accompany any request for commercial, industrial, multi-family, or Special Use, generally showing in a preliminary manner proposed buildings, parking, driveways, landscaping areas and screening.

(e) A certified ownership list for all property within a three hundred fifty (350) foot radius of the exterior boundary of the subject request.

(f) A completed Greenbelt Enhancement Statement if required by and in accordance with Section 4-2027 of the Code of the City of Norman. (O-1011-23)

(g) A filing fee of one hundred twenty-five dollars ($125.00), which will be credited against any filing fee charged for a future preliminary plat application for the same property. This fee is non-refundable, and must be paid each time a separate meeting is requested.

A complete Pre-Development application packet must be filed in the Planning Department by 4:00 p.m. seventeen (17) days before the regularly scheduled Pre-Development meeting. Pre-Development meetings will be held on an as-needed basis, and are anticipated to occur once a month. Staff will notify all persons identified on the certified ownership list, and will include a copy of the written description of the proposed project as well as any reduced drawings. If an applicant does not submit an application for Planning Commission within six months from the date of the Pre-Development meeting, a new Pre-Development meeting must be held prior to the Planning Commission hearing.

At that same time, an application packet may also be submitted for a preliminary plat. By submitting both application packets at the same time, the application will be scheduled for a Pre-Development meeting, and then a Planning Commission hearing in the month immediately subsequent to the Pre-Development meeting.

However, if the application for Planning Commission hearing is not filed in the Public Works Department at the same time the Pre-Development application is filed in the Planning Department according to the above deadline, the application will be scheduled for a Planning Commission hearing at the time that application is received in the Public Works Department.

* * *

Sec. 19-305. Preliminary plat: Duration of approval.

Approval of a preliminary plat by the City Council shall be valid for a period of five (5) years from the date of approval; provided, however, that if one (1) or more final plats are filed for record within said five (5) years time frame, the preliminary plat validity shall be extended for two (2) years, or a total of seven (7) years from the initial date of approval by the City Council.

* * *

Sec. 19-306. Preliminary plat: Changes from the approved plat.

In any instance where a final plat includes: A rerouting of a collector street; a change in relationship between uses of land; an increase in the number of lots by more than five (5) percent; or a request for a change of specific elements of the preliminary plat, then the preliminary plat must be reapproved, and the subdivider shall pay a full preliminary plat filing fee on that part of the preliminary plat not previously filed of record as a final plat.

* * *

Sec. 19-307. The preliminary plat: Requirements for Administrative Renewal.

A. Prior to the expiration of a preliminary plat, previously approved by Planning Commission and City Council, the period of validity may be administratively renewed by the Development Committee for one subsequent five (5) year term upon application by the property owner if the following requirements are met:

1. The renewal fee of $900.00 is paid upon application for renewal of the preliminary plat.

2. The preliminary plat to be renewed is identical to the preliminary plat on file or contains only minor amendments.

B. Submission of Plat and Site Plan. If the preliminary plat to be renewed is identical to the preliminary plat currently on file, resubmittal of copies of the preliminary plat and site plan is not required. If the preliminary plat to be renewed contains minor amendments to the preliminary plat currently on file, the following items must be submitted with the application for renewal for review by the Development Committee: five (5) copies of the preliminary plat that comply with §19-303 and five (5) copies of a site plan that comply with the requirements of §19-302(2)(c).

C. All proposed amendments to the preliminary plat currently on file will be reviewed by the Development Committee for a determination of whether the proposed amendments are minor or major as provided herein. Major amendments cannot be approved administratively by the Development Committee and must go through the normal development process described in §19-302 and §19-304 herein. Minor amendments to the preliminary plat can be administratively approved after a favorable determination by the Development Committee.

D. Major amendments to the preliminary plat are those that significantly alter the layout and use of the preliminary plat, increase the number of lots by more than ten percent (10%), alter any streets except as allowed in (6) below, or significantly alter the design or scope of the preliminary plat.

E. Changes to parkland location, for either a permanent or temporary park, may be approved administratively by the Development Committee but only upon approval by the Director of Parks and Recreation, or his or her designee. If the Director of Parks and Recreation or his or her designee denies a proposed change in parkland location, the application for renewal of the preliminary plat cannot be approved administratively.

F. Street alterations may be approved by the Development Committee if necessitated by a request for an increase or decrease in the number of lots, so long as the layout of the streets are not substantially altered. All alterations to streets must conform to adopted public safety and traffic management standards before being approved administratively.

G. Final plats must comply with all intervening modifications to Chapter 19 to other pertinent City of Norman regulations occurring from the date of renewal of the preliminary plat to submission of the final plat for approval. Accordingly, if a preliminary plat is administratively renewed, at the time of renewal, a notation must be placed on the preliminary plat that states: "Approval of the corresponding final plat, when presented to City Council for such approval and acceptance, must comply with any and all intervening modifications to Chapter 19, or other pertinent chapter, of the Code of Ordinances of the City of Norman occurring from the date of first renewal to the date of submission of the final plat to City Council for approval."

* * *

Sec. 19-308. The final plat: General.

The subdivider shall prepare a final plat for presentation to the City Council. It shall conform with the minimum standards of this Code and with the preliminary plat approved by the City Council.

* * *

Sec. 19-309. Final plat: Procedure for filing application for consideration of the City Council.

In order to be included on the agenda of the City Council, an application shall be in compliance with all of the following:

A. Three (3) dark line prints of a final plat, neatly drawn, shall be submitted to the Public Works Department before 1:30 p.m. Monday, not less than thirty-one (31) days prior to the next City Council meeting.

B. At the same time, there shall be submitted three (3) sets of the proposed plans and specifications in final form for all required public improvements.

1. Prior to the installation and construction of the required public improvements within any subdivision, plans and specifications therefor shall be prepared by a registered professional engineer and submitted to the City through the Public Works Department. That department shall, if warranted after the examination and inspection of said plans and specifications, submit to the City Council a report that, in its opinion, the plans and specifications comply with all current ordinances and standards applicable thereto. No installation or construction of any public utility or required public improvement shall be commenced without

approved plans and specifications and permission from the Public Works Department.

2. Three (3) sets of plans and specifications for all required public improvements shall be filed with the City through the Public Works Department for final approval. The Development Committee shall review and approve such plans prior to the consideration of the final plat by the City Council.
3. City approval of public improvement plans for any required public improvement or any part thereof is null and void two (2) years from the date of approval unless said public improvements are under construction and will be completed within ninety (90) days. Plans for which approval has expired shall be resubmitted for review and current approval before any work is undertaken on the project and coincident with any consideration of the renewal of a corporate surety bond associated therewith; provided, however, this shall not preclude the City from instituting a legal action to recover under said corporate surety bond.

* * *

F. The final plat shall conform with the preliminary plat as approved by the City Council, and shall not include the rerouting of a collector street, a change in the relationship between uses of land, an increase in the number of lots by more than five (5) percent, or a change of specific elements of the preliminary plat. Plats failing to meet these requirements or other requirements of this chapter shall not be placed on the City Council agenda.

* * *

Sec. 13-310. Final plat: Contents.

A. The final plat shall be drawn on a scale of one hundred (100) feet to the inch from an accurate survey and on sheets whose dimensions do not exceed twenty-two (22) inches by thirty-two (32) inches between border lines on a mylar or equivalent standard twenty-four (24) by thirty-six (36) inch sheet. However, in the instance of the platting of a small area, the scale of the drawing may be changed such that one (1) inch will equal less than one hundred (100) feet in order to allow a larger representation of the tract; and, for platting of large lot subdivisions in the rural area containing more than one hundred (100) acres, then a scale of one (1) inch equals two hundred (200) feet may be used. On every sheet of every plat there shall be a key map showing the location of the subdivision referenced to government survey section lines and major streets and a legal description. If more than two (2) sheets are required for the plat, the key map shall show the number of the sheet for each area. A border of one (1) inch surrounding the sheet shall be left

blank at the top, bottom, and right hand side, and a margin of three (3) inches at the left side for binding purposes.

B. The final plat shall contain the information required for approval of a preliminary plat. Every sheet of the final plat shall also include the following:

* * *

21. The following certification and appropriate signatures shall be made and shown on the submitted original tracing in black ink:
    (a) Owner's certificate and dedication, executed and acknowledged. The certificate shall be substantially in the following form: "As owner, I hereby certify that I have caused the land described in this plat to be surveyed, divided, mapped, dedicated and access rights reserved as represented on the plat." Dedication of the streets, easements, and other public areas shall be made as a part of this certificate. This certificate shall be executed in the same manner as a real estate conveyance is executed;
    (b) Certificate by the owner's surveyor to the effect that the owner's surveyor has fully complied with the requirements of the City of Norman Subdivision regulations and the subdivision laws of the State of Oklahoma governing surveying, dividing, and mapping of the land; that the plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision of it; that the plat represents a survey made by the surveyor and that all monuments and benchmarks indicated thereon actually exist in their location, size, and material are correctly shown;
    (c) Certificate of bonded abstractor, executed;
    (d) Certificate for release of mortgage for any portion dedicated to the public, executed and acknowledged;
    (e) County Treasurer's certificate, executed;
    (f) Certificate of City Council acceptance of ways, easements, and public land dedications; and,
    (g) Certificate by the Chairman of the City of Norman Development Committee that the improvements comply with the approved standards and specifications.

* * *

Sec. 19-312. Final plat: City Council actions.

A. The City Council shall approve or disapprove the final plat. Approval shall be shown on the plat with the date of such approval and over the signature of the Mayor.

B. If the final plat be disapproved, the reasons for such action shall be specifically stated in writing, a copy of which, signed by the Mayor, shall be transmitted with the tracing and prints to the applicant.

C. No plat shall be approved which does not comply with this chapter.

* * *

Sec. 19-313. Permit for public improvements required.

* * *

Sec. 19-314. Accomplishment of improvements: General procedure.

* * *

Sec. 19-315. Improvement construction prior to filing and/or submitting a surety to secure the actual construction of required improvements.

A. Normally a subdivider elects to install and construct any or all of the public improvements required herein prior to the filing of a final plat. Under such circumstances, the procedure shall be as follows:

1. The subdivider shall submit a written request to the Public Works Department indicating in specific detail the required public improvements which the subdivider proposes to install and construct prior to the filing of the approved final plat.
2. The Public Works Department shall review the construction drawings and documents and prepare a written report for the Development Committee.
3. The Development Committee shall approve the program for accomplishing all required public improvements is feasible and in compliance with the approved preliminary plat and not contrary to the public interest. If approved, the City of Norman Public Works Department is authorized to issue construction permits for all required public improvements.
4. In all cases where the Development Committee approves a program of construction of required public improvements prior to the filing of a final plat, a copy of the final plat, without benefit of required signatures of City officials, shall be held in escrow by the City through the Public Works Department. It shall not be released for any purpose until the approved program of construction is completed and all public improvements are accepted by authorization of the City Council. Subsequent to the acceptance of all required public improvements included in the construction program and the accomplishment of all other commitments, if any, of the subdivider, the final plat shall be executed by the City and recorded at the County Courthouse.

5. An approved program of construction under this method shall be completed within a period of two (2) years. Two (2) years from the date of approval by the Development Committee, the approval of any construction program which has not been initiated shall become null and void.

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Sec. 19-316. Completion and City acceptance of public improvement.

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Sec. 19-317. Final plat: City Council Action.

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Sec. 19-318. - Final plat: Recording.

The owner or the owner's engineer shall submit the original tracing of any plat and the recording fee for filing of said plat in the office of the Cleveland County Clerk to the Public Works Department at the time approval by the City of Norman Development Committee is requested in writing. All required signatures shall be properly affixed. The City will retain possession of said original, securing City Council signatures. The Public Works Department will make reproducibles and dark line prints for recording purposes, and will record said plat at the owner's expense within ten (10) days after approval of the final plat by the City of Norman Development Committee. In such cases where a subdivision is to be bonded and filed prior to the improvements, said bonds will be approved by the City Council at the time of acceptance.

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Sec. 19-319. Procedure for amendment of site plans.

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Sec. 19-320. Procedure for amendment of final plats.

In such case where a final plat has been reviewed and approved by the City Council, the owner may submit, prior to its recording, to the City of Norman Development Committee an amended final plat. The City of Norman Development Committee may approve said amended final plat provided that there are no changes which significantly alter the layout,

use, number of lots, or other material features of the plat. It is intended that such adjustments might include such things as minor lot configurations or slight adjustments necessitated in the field at the time of construction of improvements. If the unanimous vote of the City of Norman Development Committee concurs, then said final plat will be accepted and filed of record in accordance with the remaining procedures of this Code. Otherwise, any such change including any additional dedications of easements or rights-of-way will necessitate a review and acceptance on the part of the City Council.

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Sec. 19-602. Exception for issuing a building permit.

A. *Exception from Platting in A-1, A-2, and RE zoning districts:*

1. In the A-1, A-2 and RE zones, building permits may be obtained on all tracts of ten (10) acres or more which abut on a minimum fifty-foot private roadway easement, granted to abutting property owners, which connects to a City street without the requirement to plat if the land and roadway easement were filed of record prior to February 7, 1984. The instrument which establishes this easement shall indicate that it is intended for future roadway purposes and shall not be accepted nor maintained by the City until and unless constructed according to the City's street standards. This easement shall contain a provision which expressly grants right of access to police, fire, sanitation, inspection, and health department vehicles and personnel who are in the process of performing their normal responsibilities as City, county, state or federal employees. All other zoning requirements for the particular zone in which these tracts are located shall be complied with and satisfied.
2. In the A-1, A-2 and RE zoning districts, building permits may be obtained on all tracts of five (5) acres or greater that abut a public street that is open, and which were filed of record on or before June 27, 1997. Prior to receiving a building permit to construct a new residential dwelling on such tracts, the owner must deliver to the City a duly executed roadway and utility easement for all adjoining public or section line roads which abut the property, in an amount sufficient to accommodate the proposed roadways as reflected on the adopted City of Norman Transportation Plan. Dedication is not mandatory for building permits which do not constitute a change of use, such as a residential addition, or which involve agricultural uses. For tracts containing more than forty (40) acres, the roadway easement would only be required adjacent to that portion of the entire tract that approximates a forty (40) acre parcel. Such tracts shall comply with all other zoning requirements of the City of Norman. The purpose of all

such dedications is to facilitate the eventual improvement of rural roadways. Any private improvements within the expanded roadway easement may remain until a roadway project occurs, at which time the City would either pay for any existing improvements or institute condemnation action to acquire the real property as required by law. All existing improvements must be noted on the dedication.

B. *Deferral of public improvements:*

1. It is the purpose of this section to provide, in specific cases, as are hereinafter designated, a procedure whereby the City Council may temporarily defer the construction of certain public improvements required by the Code of the City of Norman at the time of acceptance of a final plat within a subdivision; provided that the City Council, in its sole judgment, deems that such deferment shall be immediately in the interest of public health, safety, or general welfare. It is the further purpose of this section to provide in specific cases where construction of required drainage improvements outside the boundary of a subdivision plat or other tract of land cannot be accomplished because the necessary easements or rights-of-way cannot be reasonably obtained, a procedure whereby the City Council may temporarily defer the construction of certain public improvements required by the Code of the City of Norman at the time of acceptance of a final plat and the associated program of improvements.

2. The City Council, after recommendation from the Director of Public Works, may accept a final plat and authorize the issuance of building permits prior to the construction of such deferred public improvements required by the Code of the City of Norman in the following situations:
   (a) Where incompatible grades exist;
   (b) Where there are inadequate or a lack of connecting facilities;
   (c) Where construction of the improvement would not immediately function for its intended use; or
   (d) Where such improvement would be replaced by a planned future project.

3. The City Council, after recommendation from the Director of Public Works, may accept a final plat and the program of improvements and defer public drainage improvements with the condition that the deferred drainage improvements are a part of the program of improvements but are the responsibility of the City of Norman to construct under the following situations:
   (a) Where construction of required drainage improvements outside the boundary of a subdivision plat or other tract of land cannot be accomplished because the necessary easements or rights-of-way cannot reasonably be obtained; or

(b) Where documentation is provided which demonstrates that reasonable and proper attempts have been made to obtain the necessary easements and rights-of-way to construct the drainage improvements required by the City and that these attempts have been unsuccessful.

(c) Deferral of such improvements shall not result in any increased flooding of any street or habitable structure.

4. Whenever it is deemed necessary by the City Council to defer construction of any improvement, other than drainage under section 19-602B.3, the applicant shall pay the cost, as determined by the Director of Public Works, of future improvements to the City within ten (10) days of City Council acceptance of the final plat. Payment of cost shall be in cash or certificate of deposit.

In the case of deferred construction recommended under subsection 19-602B.3 above, the applicant shall make the following payments:

(a) An initial payment based on the engineer's estimate of the cost of construction as approved by the Director of Public Works plus the estimated costs of right-of-way acquisition and competitive bidding. The initial payment shall be in cash or certificate of deposit and shall be made within ten (10) days of City Council acceptance of the final plat.

(b) A final payment based on the actual cost of construction, right-of-way acquisition, and competitive bidding minus the initial payment. If the initial payment is greater than the actual cost, the difference will be returned to the applicant upon action of the Council upon request from the applicant. The final payment shall be in cash.

5. Monies received by the City under the authority of this section shall be separately accounted for and expended for no other purpose than in conjunction with the later construction of deferred improvement, except for deferred drainage improvements.

6. Monies received by the City under authority of this section for drainage improvements must be separately accounted for, but may be used for a drainage improvement other than the specific deferred improvement with the approval of the City Council if the proposed drainage improvement addresses a problem of the tract of land that the specific deferred improvement serves. The applicant is relieved of the obligation for the deferred improvement when its deferred funds are expended.

7. If construction of the deferred facility has not commenced within ten (10) years from the date of deferment, then the cost paid or the certificate of deposit may be returned upon action of the Council upon written request of the payor.

8. A deferment as contemplated by this section shall be submitted to the Development Committee for a recommendation of approval or disapproval at the same time the final plat is submitted. The deferment and recommendation shall then be submitted to the City Council for its consideration at the same time the final plat is submitted for acceptance.

* * *

Sec. 19-606. Exception to allow Norman Rural Certificates of Survey as plats in A-1 and A-2 Zoning Districts.

A. It is the purpose of this exception to allow lots of ten (10) acres or more to be developed and sold adjacent to public or private roadways in the A-1 and A-2 Agricultural Districts; however, private roadways should be constructed and maintained in such a manner that said roadways may be traversed and used by police, fire and other official vehicles of all municipal, county, state and federal agencies. Lots created under this process shall be designated as "Norman Rural Certificate of Survey Subdivisions" and may be permitted under the following procedures (Ord. No. O-0203-34):

1. Any applicant contemplating a Certificate of Survey may voluntarily request a pre-development meeting, subject to the same filing requirements. The purpose of the meeting is to allow surrounding neighbors to meet with the applicant in an informal setting and share information about the proposed application. In order for the meeting to occur, the following items must be submitted to the Public Works Department:
   (a) A copy of the deed to the property.
   (b) A written description of the proposed development which provides details of the proposal that can be mailed to neighbors. The narrative should be as detailed as practicable, without being length or technical. It should describe the proposed type of homes contained in the development, any proposed open space or parks, and connections to nearby major roads and subdivisions.
   (c) Because this is a preliminary meeting, a fully finished Certificate of Survey is not required, however, three (3) full-sized drawings are required, as well as an eight and one-half (8½) inch by eleven (11) inch reduction, generally showing lots, roads, topography, flood plains, existing easements and structures, physical features (such as pounds, creeks, and large stands of trees), and proposed open spaces and greenbelts.
   (d) A certified ownership list for all property within a three-hundred fifty-foot radius of the exterior boundary of the subject request.
   (e) A filing fee of one hundred twenty-five dollars ($125.00), which will be credited against any filing fee charged for a future Rural Certificate of Survey

application for the same property. This fee is non-refundable, and must be paid each time a separate meeting is requested.

A complete application packet must be received in the Public Works Department by 4:00 p.m. seventeen (17) days before the regularly scheduled Pre-Development meeting. Such meetings will be held on an as-needed basis, and are anticipated to occur at least once a month. Staff will notify all persons identified on the certified ownership list, and will include a copy of the written description of the proposed project as well as any reduced drawings.

* * * * *

§ 2. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, except that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this _____ day

of _____ , 2013.

_____
Cindy Rosenthal, Mayor

NOT ADOPTED this _____ day

of _____, 2013.

_____
Cindy Rosenthal, Mayor

ATTEST:

_____
Brenda Hall, City Clerk

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE I, SECTION 19-104; ARTICLE II, SECTIONS 19-201, 19-202 AND 19-204; ARTICLE III, SECTIONS 19-301, 19-302, 19-305, AND 19-306; ADDING A NEW SECTION 19-307; AMENDING SECTIONS 19-308 THROUGH 19-320; AMENDING ARTICLE VI, SECTIONS 19-602 AND 19-606 ; TO EXTEND THE VALIDITY PERIOD OF PRELIMINARY PLATS AND TO ESTABLISH FEES THEREFOR; TO REMOVE THE REQUIREMENT FOR PLANNING COMMISSION APPROVAL OF FINAL PLATS; TO AMEND THE DEVELOPMENT APPLICATION PROCESS; TO REMOVE THE REQUIREMENT FOR PRE-DEVELOPMENT MEETING FOR PROPERTIES SUBDIVIDED BY CERTIFICATE OF SURVEY; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. That Sections 19-104, 19-201, 19-202, 19-204, 19-301, 19-302, 19-305 through 19-320, 19-602 and 19-606 of Chapter 19 of the Code of Ordinances of the City of Norman shall be amended and/or added to read as follows:

* * * * *

Sec. 19-104. Relation to zoning.

In order to provide adequate information for evaluation and decision by the Planning Commission and the City Council, and to provide documentation of intent for public record, the following requirements are mandatory:

A. A rezoning request which includes any amount of unplatted land shall be accompanied by a preliminary plat of the land in question, and any adjacent land which is fifty (50) percent or more owned or under option to buy by the applicant; provided, however, that any land for which a plat is not required as a prerequisite for a building permit is exempted from this requirement. The preliminary plat shall be submitted for consideration as an agenda item before the Planning Commission simultaneously with the rezoning request.

B. In the instance of proposed planned unit development(s), as provided in Chapter 22 of this Code, five (5) copies of a site development plan shall also be included with the submission of the preliminary plat when application is made for Planning Commission approval.

C. Provided that no final plat may be considered for approval by the ~~Planning Commission~~ City Council until the preliminary plat and proper zoning in terms of density, lot size, and land use has been approved by the City Council regarding the subject property.

* * *

Sec. 19-201. Agenda.

Each plat submitted for preliminary ~~or final~~ approval shall be placed on the Planning Commission's agenda only after fulfilling the appropriate requirements of this chapter. However, a plat not meeting all the requirements may be submitted if the subdivider presents with the plat a letter requesting the specific exception(s) and enumerating in detail the reason(s) therefor.

* * *

Sec. 19-202. Filing fee.

To partially defray the costs of staff review and reports, a filing fee, calculated on the basis of the total acreage included within the property proposed to be platted, shall be paid to the City at the time of submission in accord with the following:

A. *Preliminary plats:* One hundred fifty dollars ($150.00), plus ten dollars ($10.00) per acre or portion thereof; provided, however, that for open space areas contained within a Rural Cluster Development the acreage charge shall not apply to that portion.

B. *Preliminary Plat renewal:* $ 900.00

~~B.~~ C. *Final plat for all zoning district classifications:* Three hundred fifty dollars ($350.00), plus ten dollars ($10.00) per acre or portion thereof; provided, however, that for open space areas contained within a Rural Cluster Development the acreage charge shall not apply to that portion. In addition thereto, the following fees shall be assessed to cover the cost of the City's Geographic Information System expense:

1. One hundred dollars ($100.00) per lot for every lot in each final plat.

~~C.~~ D. Short form plats (section *19-604* of this chapter), and Norman Rural Certificates of Survey: One hundred fifty dollars ($150.00), plus ten dollars ($10.00) per acre or portion thereof. In addition thereto, the following fees shall be assessed to cover the cost of the City's Geographic Information System expense:

~~D.~~

1. One hundred dollars ($100.00) per lot for every lot in each final plat.

* * *

Sec. 19-204. Official recording.

No plat or description of land subdivision shall be filed in the office of the County Clerk, Cleveland County, until it has received approval of the preliminary plat and acceptance of the final plat by the City Council as required by law. No lots shall be sold from any plat until it has been recorded as herein provided. Failure to record such approved plat within two (2) years of approval of the final plat by the ~~Planning Commission~~ City Council shall void all approvals thereto. ~~Furthermore, the applicant must request that the final plat be accepted by the City Council not more than twelve (12) months following the date of approval by the Planning Commission.~~

* * *

Sec. 19-301. The preliminary plat: General.

The subdivider shall prepare a preliminary plat for presentation to the City. It shall conform with the minimum requirements of the Norman 2025 Plan, and this Code, and shall include the land in question, and any adjacent land partially or fully owned or under option by the applicant, notwithstanding that all of said land may never be finally platted.

For all cases of subdividing and development within the scope of this chapter, a preliminary plat of the land in question shall be drawn and submitted to the Planning Commission and City Council and a final plat of the land in question shall be submitted to ~~the Planning Commission for approval and~~ the City Council for acceptance of dedications and improvements, as provided in this chapter. ~~The preliminary plat shall be valid only for a period of three (3) years from the date of City Council approval; provided, however, that if one (1) or more final plats are filed for record within said three (3) years time frame, the preliminary plat validity shall be extended for two (2) years, or a total of five (5) years from the initial date of approval by the City Council.~~

~~When a final plat includes a rerouting of a collector street, a change in relationship between uses of land, or an increase in the number of lots by more than five (5) percent or a request for a change of specific elements of the preliminary plat, then the preliminary~~

~~plat shall be reviewed, and the subdivider shall pay a full preliminary plat filing fee on that part of the preliminary plat not previously filed of record as a final plat.~~

* * *

Sec. 19-302. Preliminary Plat: Procedure for filing application for consideration of the Planning Commission.

1. ~~Before~~ When a Preliminary Plat ~~can be~~ is submitted to the Public Works Department for consideration by the Planning Commission, a Pre-Development Informational Meeting must be held. The purpose of the Pre-Development meeting is to allow surrounding neighbors to meet with the applicant in an informal setting and share information about the proposed application. In order for the meeting to occur, the following items must be submitted to the Public Works Department:

(a) ~~a copy of the deed to the property~~ The written legal description of the property.

(b) A written description of the proposed development which provides details of the proposal that can be mailed to neighbors. The narrative should be as detailed as practicable, without being lengthy or technical. It should describe the proposed uses contained in the development, any proposed open space or parks, and connections to nearby major roads and subdivisions.

(c) Because this is a preliminary meeting, a fully finished preliminary plat is not required, however, three full-sized drawings are required, as well as an 8 ½" by 11" reduction, generally showing lots, roads, topography, flood plains, existing easements and structures, physical features (such as ponds, creeks, and large stands of trees), and proposed parks and open spaces.

(d) A site plan must accompany any request for commercial, industrial, multi-family, or Special Use, generally showing in a preliminary manner proposed buildings, parking, driveways, landscaping areas and screening.

(e) A certified ownership list for all property within a three hundred fifty (350) foot radius of the exterior boundary of the subject request.

(f) A completed Greenbelt Enhancement Statement if required by and in accordance with Section 4-2027 of the Code of the City of Norman. (O-1011-23)

(g) A filing fee of one hundred twenty-five dollars ($125.00), which will be credited against any filing fee charged for a future preliminary plat application for the same

property. This fee is non-refundable, and must be paid each time a separate meeting is requested.

A complete Pre-Development application packet must be ~~received~~ filed in the ~~Public Works~~ Planning Department by 4:00 p.m. seventeen (17) days before the regularly scheduled Pre-Development meeting. ~~Such~~ Pre-Development meetings will be held on an as-needed basis, and are anticipated to occur ~~at least~~ once a month. Staff will notify all persons identified on the certified ownership list, and will include a copy of the written description of the proposed project as well as any reduced drawings. ~~This meeting must be completed before any formal rezoning or plat application can be filed with the City, but may not occur more than six (6) months before said filing.~~ If an applicant does not submit an application for Planning Commission within six months from the date of the Pre-Development meeting, a new Pre-Development meeting must be held prior to the Planning Commission hearing.

At that same time, an application packet may also be submitted for a preliminary plat. By submitting both application packets at the same time, the application will be scheduled for a Pre-Development meeting, and then a Planning Commission hearing in the month immediately subsequent to the Pre-Development meeting.

However, if the application for Planning Commission hearing is not filed in the Public Works Department at the same time the Pre-Development application is filed in the Planning Department according to the above deadline, the application will be scheduled for a Planning Commission hearing at the time that application is received in the Public Works Department.

* * *

Sec. 19-305. Preliminary plat: Duration of approval.

Approval of a preliminary plat by the City Council shall be valid for a period of five (5) ~~three (3)~~ years from the date of approval; provided, however, that if one (1) or more final plats are filed for record within said five (5) ~~three (3)~~ years time frame, the preliminary plat validity shall be extended for two (2) years, or a total of seven (7) ~~five (5)~~ years from the initial date of approval by the City Council.

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Sec. 19-306. Preliminary plat: Changes from the approved plat.

In any instance where a final plat includes: A rerouting of a collector street; a change in relationship between uses of land; an increase in the number of lots by more than five (5) percent; or a request for a change of specific elements of the preliminary plat, then the preliminary plat must be reapproved, and the subdivider shall pay a full preliminary plat filing fee on that part of the preliminary plat not previously filed of record as a final plat.

* * *

Sec. 19-307. The preliminary plat: Requirements for Administrative Renewal.

A. Prior to the expiration of a preliminary plat, previously approved by Planning Commission and City Council, the period of validity may be administratively renewed by the Development Committee for one subsequent five (5) year term upon application by the property owner if the following requirements are met:

1. The renewal fee of $900.00 is paid upon application for renewal of the preliminary plat.

2. The preliminary plat to be renewed is identical to the preliminary plat on file or contains only minor amendments.

B. Submission of Plat and Site Plan. If the preliminary plat to be renewed is identical to the preliminary plat currently on file, resubmittal of copies of the preliminary plat and site plan is not required. If the preliminary plat to be renewed contains minor amendments to the preliminary plat currently on file, the following items must be submitted with the application for renewal for review by the Development Committee: five (5) copies of the preliminary plat that comply with §19-303 and five (5) copies of a site plan that comply with the requirements of §19-302(2)(c).

C. All proposed amendments to the preliminary plat currently on file will be reviewed by the Development Committee for a determination of whether the proposed amendments are minor or major as provided herein. Major amendments cannot be approved administratively by the Development Committee and must go through the normal development process described in §19-302 and §19-304 herein. Minor amendments to the preliminary plat can be administratively approved after a favorable determination by the Development Committee.

D. Major amendments to the preliminary plat are those that significantly alter the layout and use of the preliminary plat, increase the number of lots by more than ten

percent (10%), alter any streets except as allowed in (6) below, or significantly alter the design or scope of the preliminary plat.

E. Changes to parkland location, for either a permanent or temporary park, may be approved administratively by the Development Committee but only upon approval by the Director of Parks and Recreation, or his or her designee. If the Director of Parks and Recreation or his or her designee denies a proposed change in parkland location, the application for renewal of the preliminary plat cannot be approved administratively.

F. Street alterations may be approved by the Development Committee if necessitated by a request for an increase or decrease in the number of lots, so long as the layout of the streets are not substantially altered. All alterations to streets must conform to adopted public safety and traffic management standards before being approved administratively.

G. Final plats must comply with all intervening modifications to Chapter 19 to other pertinent City of Norman regulations occurring from the date of renewal of the preliminary plat to submission of the final plat for approval. Accordingly, if a preliminary plat is administratively renewed, at the time of renewal, a notation must be placed on the preliminary plat that states: "Approval of the corresponding final plat, when presented to City Council for such approval and acceptance, must comply with any and all intervening modifications to Chapter 19, or other pertinent chapter, of the Code of Ordinances of the City of Norman occurring from the date of first renewal to the date of submission of the final plat to City Council for approval."

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~~Sec. 19-307.~~ **Sec. 19-308. The final plat: General.**

The subdivider shall prepare a final plat for presentation to the ~~Planning Commission and~~ City Council. It shall conform with the minimum standards of this Code and with the preliminary plat approved by the City Council.

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~~Sec. 19-308.~~ Sec. 19-309. Final plat: Procedure for filing application for consideration of the ~~Planning Commission~~ City Council.

In order to be included on the agenda of the ~~Planning Commission~~ City Council, an application shall be in compliance with all of the following:

A. Three (3) dark line prints of a final plat, neatly drawn, shall be submitted to the Public Works Department before 1:30 p.m. Monday, not less than thirty-one (31) days prior to the next ~~Planning Commission~~ City Council meeting.

B. At the same time, there shall be submitted three (3) sets of the proposed plans and specifications in final form for all required public improvements.

1. ~~Coincident with the submission of the final plat for approval by the Planning Commission and prior~~ Prior to the installation and construction of the required public improvements within any subdivision, plans and specifications therefor shall be prepared by a registered professional engineer and submitted to the City through the Public Works Department. That department shall, if warranted after the examination and inspection of said plans and specifications, submit to the ~~Planning Commission~~ City Council ~~and thereafter to the City Council~~ a report that, in its opinion, the plans and specifications comply with all current ordinances and standards applicable thereto. No installation or construction of any public utility or required public improvement shall be commenced without approved plans and specifications and permission from the Public Works Department.
2. Three (3) sets of plans and specifications for all required public improvements shall be filed with the City through the Public Works Department for final approval. The Development Committee shall review and approve such plans prior to the ~~concurrent with the submission of the request for~~ consideration of the final plat by the ~~Planning Commission~~ City Council.
3. City approval of public improvement plans for any required public improvement or any part thereof is null and void two (2) years from the date of approval unless said public improvements are under construction and will be completed within ninety (90) days. Plans for which approval has expired shall be resubmitted for review and current approval before any work is undertaken on the project and coincident with any consideration of the renewal of a corporate surety bond associated therewith; provided, however, this shall not preclude the City from instituting a legal action to recover under said corporate surety bond.

* * *

F. The final plat shall conform with the preliminary plat as approved by the City Council, and shall not include the rerouting of a collector street, a change in the relationship between uses of land, an increase in the number of lots by more than five (5) percent, or a change of specific elements of the preliminary plat. Plats failing to meet these requirements or other requirements of this chapter shall not be placed on the ~~Planning Commission~~ City Council agenda.

* * *

~~Sec. 19-309~~ Sec. 13-310. Final plat: Contents.

A. The final plat shall be drawn on a scale of one hundred (100) feet to the inch from an accurate survey and on sheets whose dimensions do not exceed twenty-two (22) inches by thirty-two (32) inches between border lines on a mylar or equivalent standard twenty-four (24) by thirty-six (36) inch sheet. However, in the instance of the platting of a small area, the scale of the drawing may be changed such that one (1) inch will equal less than one hundred (100) feet in order to allow a larger representation of the tract; and, for platting of large lot subdivisions in the rural area containing more than one hundred (100) acres, then a scale of one (1) inch equals two hundred (200) feet may be used. On every sheet of every plat there shall be a key map showing the location of the subdivision referenced to government survey section lines and major streets and a legal description. If more than two (2) sheets are required for the plat, the key map shall show the number of the sheet for each area. A border of one (1) inch surrounding the sheet shall be left blank at the top, bottom, and right hand side, and a margin of three (3) inches at the left side for binding purposes.

B. The final plat shall contain the information required for approval of a preliminary plat. Every sheet of the final plat shall also include the following:

* * *

21. The following certification and appropriate signatures shall be made and shown on the submitted original tracing in black ink:
    (a) Owner's certificate and dedication, executed and acknowledged. The certificate shall be substantially in the following form: "As owner, I hereby certify that I have caused the land described in this plat to be surveyed, divided, mapped, dedicated and access rights reserved as represented on the plat." Dedication of the streets, easements, and other public areas shall be made as a part of this certificate. This certificate shall be executed in the same manner as a real estate conveyance is executed;
    (b) Certificate by the owner's surveyor to the effect that the owner's surveyor has fully complied with the requirements of the City of Norman Subdivision regulations and the subdivision laws of the State of Oklahoma governing

surveying, dividing, and mapping of the land; that the plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision of it; that the plat represents a survey made by the surveyor and that all monuments and benchmarks indicated thereon actually exist in their location, size, and material are correctly shown;

(c) Certificate of bonded abstractor, executed;

(d) Certificate for release of mortgage for any portion dedicated to the public, executed and acknowledged;

(e) County Treasurer's certificate, executed;

~~(f) Certificate of Planning Commission approval;~~

~~(g)~~(f) Certificate of City Council acceptance of ways, easements, and public land dedications; and,

~~(h)~~(g) Certificate by the Chairman of the City of Norman Development Committee that the improvements comply with the approved standards and specifications.

* * *

~~Sec. 19-311.~~ Sec. 19-312. Final plat: ~~Planning Commission~~ City Council action~~, appeals~~.

A. The ~~Planning Commission~~ City Council shall approve or disapprove the final plat. Approval shall be shown on the plat with the date of such approval and over the signature of the ~~Commission Chairman~~ Mayor.

B. If the final plat be disapproved, the reasons for such action shall be specifically stated in writing, a copy of which, signed by the ~~Planning Commission Chairman~~ Mayor, shall be transmitted with the tracing and prints to the applicant.

C. ~~If the final plat be disapproved by the Planning Commission, the applicant may take the plat to the City Council for consideration, where by a majority vote it may be approved for filing. However, no~~ No plat shall be approved which does not comply with this chapter.

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~~Sec. 19-312.~~ Sec. 19-313. Permit for public improvements required.

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~~Sec. 19-313.~~ Sec. 19-314. **Accomplishment of improvements: General procedure.**

* * *

~~Sec. 19-314.~~ Sec. 19-315. **Improvement construction prior to filing and/or submitting a surety to secure the actual construction of required improvements.**

A. Normally a subdivider elects to install and construct any or all of the public improvements required herein prior to the filing of a final plat. Under such circumstances, the procedure shall be as follows:

1. The subdivider shall submit a written request to the Public Works Department indicating in specific detail the required public improvements which the subdivider proposes to install and construct prior to the filing of the approved final plat.
2. The Public Works Department shall review the construction drawings and documents and prepare a written report for the ~~Planning Commission~~ Development Committee.
3. The ~~Planning Commission~~ Development Committee shall approve ~~the final plat if it is in order and~~ the program for accomplishing all required public improvements is feasible and in compliance with the approved preliminary plat and not contrary to the public interest. If approved, the City of Norman Public Works Department is authorized to issue construction permits for all required public improvements.
4. In all cases where the ~~Planning Commission~~ Development Committee approves a program of construction of required public improvements prior to the filing of a final plat, a copy of the final plat, without benefit of required signatures of City officials, shall be held in escrow by the City through the Public Works Department. It shall not be released for any purpose until the approved program of construction is completed and all public improvements are accepted by authorization of the City Council. Subsequent to the acceptance of all required public improvements included in the construction program and the accomplishment of all other commitments, if any, of the subdivider, the final plat shall be executed by the City and recorded at the County Courthouse.

5. An approved program of construction under this method shall be completed within a period of two (2) years. Two (2) years from the date of approval by the ~~Planning Commission~~ Development Committee, the approval of any construction program which has not been initiated shall become null and void.

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~~Sec. 19-315.~~ Sec. 19-316. Completion and City acceptance of public improvement.

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~~Sec. 19-316.~~ Sec. 19-317. Final plat: City Council Action.

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~~Sec. 19-317.~~ Sec. 19-318. - Final plat: Recording.

The owner or the owner's engineer shall submit the original tracing of any plat and the recording fee for filing of said plat in the office of the Cleveland County Clerk to the Public Works Department at the time approval by the City of Norman Development Committee is requested in writing. All required signatures shall be properly affixed. The City will retain possession of said original, securing ~~Planning Commission and~~ City Council signatures. The Public Works Department will make reproducibles and dark line prints for recording purposes, and will record said plat at the owner's expense within ten (10) days after approval of the final plat by the City of Norman Development Committee. In such cases where a subdivision is to be bonded and filed prior to the improvements, said bonds will be approved by the City Council at the time of acceptance.

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~~Sec. 19-318.~~ Sec. 19-319. Procedure for amendment of site plans.

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~~Sec. 19-319.~~ Sec. 19-320. Procedure for amendment of final plats.

In such case where a final plat has been reviewed and approved by ~~the Planning Commission, and accepted by~~ the City Council, the owner may submit, prior to its recording, to the City of Norman Development Committee an amended final plat. The City of Norman Development Committee may approve said amended final plat provided

that there are no changes which significantly alter the layout, use, number of lots, or other material features of the plat. It is intended that such adjustments might include such things as minor lot configurations or slight adjustments necessitated in the field at the time of construction of improvements. If the unanimous vote of the City of Norman Development Committee concurs, then said final plat will be accepted and filed of record in accordance with the remaining procedures of this Code. Otherwise, any such change including any additional dedications of easements or rights-of-way will necessitate a review and acceptance on the part of the City Council.

* * *

Sec. 19-602. Exception for issuing a building permit.

A. *Exception from Platting in A-1, A-2, and RE zoning districts:*

1. In the A-1, A-2 and RE zones, building permits may be obtained on all tracts of ten (10) acres or more which abut on a minimum fifty-foot private roadway easement, granted to abutting property owners, which connects to a City street without the requirement to plat if the land and roadway easement were filed of record prior to February 7, 1984. The instrument which establishes this easement shall indicate that it is intended for future roadway purposes and shall not be accepted nor maintained by the City until and unless constructed according to the City's street standards. This easement shall contain a provision which expressly grants right of access to police, fire, sanitation, inspection, and health department vehicles and personnel who are in the process of performing their normal responsibilities as City, county, state or federal employees. All other zoning requirements for the particular zone in which these tracts are located shall be complied with and satisfied.
2. In the A-1, A-2 and RE zoning districts, building permits may be obtained on all tracts of five (5) acres or greater that abut a public street that is open, and which were filed of record on or before June 27, 1997. Prior to receiving a building permit to construct a new residential dwelling on such tracts, the owner must deliver to the City a duly executed roadway and utility easement for all adjoining public or section line roads which abut the property, in an amount sufficient to accommodate the proposed roadways as reflected on the adopted City of Norman Transportation Plan. Dedication is not mandatory for building permits which do not constitute a change of use, such as a residential addition, or which involve agricultural uses. For tracts containing more than forty (40) acres, the roadway easement would only be required adjacent to that portion of the entire tract that approximates a forty (40) acre parcel. Such tracts shall comply with

all other zoning requirements of the City of Norman. The purpose of all such dedications is to facilitate the eventual improvement of rural roadways. Any private improvements within the expanded roadway easement may remain until a roadway project occurs, at which time the City would either pay for any existing improvements or institute condemnation action to acquire the real property as required by law. All existing improvements must be noted on the dedication.

B. *Deferral of public improvements:*

1. It is the purpose of this section to provide, in specific cases, as are hereinafter designated, a procedure whereby the City Council may temporarily defer the construction of certain public improvements required by the Code of the City of Norman at the time of acceptance of a final plat within a subdivision; provided that the City Council, in its sole judgment, deems that such deferment shall be immediately in the interest of public health, safety, or general welfare. It is the further purpose of this section to provide in specific cases where construction of required drainage improvements outside the boundary of a subdivision plat or other tract of land cannot be accomplished because the necessary easements or rights-of-way cannot be reasonably obtained, a procedure whereby the City Council may temporarily defer the construction of certain public improvements required by the Code of the City of Norman at the time of acceptance of a final plat and the associated program of improvements.

2. The City Council, after recommendation from the Director of Public Works ~~and the Planning Commission~~, may accept a final plat and authorize the issuance of building permits prior to the construction of such deferred public improvements required by the Code of the City of Norman in the following situations:
   (a) Where incompatible grades exist;
   (b) Where there are inadequate or a lack of connecting facilities;
   (c) Where construction of the improvement would not immediately function for its intended use; or
   (d) Where such improvement would be replaced by a planned future project.

3. The City Council, after recommendation from the Director of Public Works ~~and the Planning Commission~~, may accept a final plat and the program of improvements and defer public drainage improvements with the condition that the deferred drainage improvements are a part of the program of improvements but are the responsibility of the City of Norman to construct under the following situations:
   (a) Where construction of required drainage improvements outside the boundary of a subdivision plat or other tract of land cannot be

accomplished because the necessary easements or rights-of-way cannot reasonably be obtained; or

(b) Where documentation is provided which demonstrates that reasonable and proper attempts have been made to obtain the necessary easements and rights-of-way to construct the drainage improvements required by the City and that these attempts have been unsuccessful.

(c) Deferral of such improvements shall not result in any increased flooding of any street or habitable structure.

4. Whenever it is deemed necessary by the City Council to defer construction of any improvement, other than drainage under section 19-602B.3, the applicant shall pay the cost, as determined by the Director of Public Works, of future improvements to the City within ten (10) days of City Council acceptance of the final plat. Payment of cost shall be in cash or certificate of deposit.

In the case of deferred construction recommended under subsection 19-602B.3. above, the applicant shall make the following payments:

(a) An initial payment based on the engineer's estimate of the cost of construction as approved by the Director of Public Works plus the estimated costs of right-of-way acquisition and competitive bidding. The initial payment shall be in cash or certificate of deposit and shall be made within ten (10) days of City Council acceptance of the final plat.

(b) A final payment based on the actual cost of construction, right-of-way acquisition, and competitive bidding minus the initial payment. If the initial payment is greater than the actual cost, the difference will be returned to the applicant upon action of the Council upon request from the applicant. The final payment shall be in cash.

5. Monies received by the City under the authority of this section shall be separately accounted for and expended for no other purpose than in conjunction with the later construction of deferred improvement, except for deferred drainage improvements.

6. Monies received by the City under authority of this section for drainage improvements must be separately accounted for, but may be used for a drainage improvement other than the specific deferred improvement with the approval of the City Council if the proposed drainage improvement addresses a problem of the tract of land that the specific deferred improvement serves. The applicant is relieved of the obligation for the deferred improvement when its deferred funds are expended.

7. If construction of the deferred facility has not commenced within ten (10) years from the date of deferment, then the cost paid or the certificate of

deposit may be returned upon action of the Council upon written request of the payor.

8. A deferment as contemplated by this section shall be submitted to the ~~Planning Commission~~ Development Committee for a recommendation of approval or disapproval at the same time the final plat is submitted. The deferment and recommendation shall then be submitted to the City Council for its consideration at the same time the final plat is submitted for acceptance.

* * *

Sec. 19-606. Exception to allow Norman Rural Certificates of Survey as plats in A-1 and A-2 Zoning Districts.

A. It is the purpose of this exception to allow lots of ten (10) acres or more to be developed and sold adjacent to public or private roadways in the A-I and A-2 Agricultural Districts; however, private roadways should be constructed and maintained in such a manner that said roadways may be traversed and used by police, fire and other official vehicles of all municipal, county, state and federal agencies. Lots created under this process shall be designated as "Norman Rural Certificate of Survey Subdivisions" and may be permitted under the following procedures (Ord. No. O-0203-34):

1. ~~Before a Norman Rural Certificate of Survey for any parcel greater than forty (40) acres can be submitted to the Public Works Department for consideration by the Planning Commission, a Pre-development Informational Meeting must be held.~~ Any applicant contemplating a Certificate of Survey ~~for any parcel containing less than forty (40) acres~~ may voluntarily request a pre-development meeting, subject to the same filing requirements. The purpose of the meeting is to allow surrounding neighbors to meet with the applicant in an informal setting and share information about the proposed application. In order for the meeting to occur, the following items must be submitted to the Public Works Department:
   (a) A copy of the deed to the property.
   (b) A written description of the proposed development which provides details of the proposal that can be mailed to neighbors. The narrative should be as detailed as practicable, without being length or technical. It should describe the proposed type of homes contained in the development, any proposed open space or parks, and connections to nearby major roads and subdivisions.
   (c) Because this is a preliminary meeting, a fully finished Certificate of Survey is not required, however, three (3) full-sized drawings are required, as well as an eight and one-half (8½) inch by eleven (11) inch reduction, generally showing lots, roads, topography, flood plains, existing easements and structures,

physical features (such as pounds, creeks, and large stands of trees), and proposed open spaces and greenbelts.

(d) A certified ownership list for all property within a three-hundred fifty-foot radius of the exterior boundary of the subject request.

(e) A filing fee of one hundred twenty-five dollars ($125.00), which will be credited against any filing fee charged for a future Rural Certificate of Survey application for the same property. This fee is non-refundable, and must be paid each time a separate meeting is requested.

A complete application packet must be received in the Public Works Department by 4:00 p.m. seventeen (17) days before the regularly scheduled Pre-Development meeting. Such meetings will be held on an as-needed basis, and are anticipated to occur at least once a month. Staff will notify all persons identified on the certified ownership list, and will include a copy of the written description of the proposed project as well as any reduced drawings. ~~The meeting must be completed before any formal plat application can be filed with the City, but may not occur more than six (6) months before said filing.~~

* * * * *

§ 2. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, except that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this _____ day

of _____, 2013.

_____

Cindy Rosenthal, Mayor

NOT ADOPTED this _____ day

of _____, 2013.

_____

Cindy Rosenthal, Mayor

ATTEST:

_____

Brenda Hall, City Clerk

ORDINANCE NO. O-1213-32 ITEM NO. 9

STAFF REPORT

ITEM: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE I, SECTION 19-104; ARTICLE II, SECTIONS 19-201, 19-202 AND 19-204; ARTICLE III, SECTIONS 19-301, **19-302**, 19-307 TO 19-319; AND ARTICLE VI, SECTION 19-602 AND 19-606 AND ADDING ARTICLE III, SECTION 19-320 TO EXTEND THE VALIDITY PERIOD OF PRELIMINARY PLATS AND TO ESTABLISH FEES THEREFORE; TO REMOVE THE REQUIREMENT FOR PLANNING COMMISSION APPROVAL OF FINAL PLATS; AND TO REMOVE THE REQUIRMENT FOR PRE-DEVELOPMENT MEETING FOR PROPERTIES SUBDIVIDED BY CERTIFICATE OF SURVEY; AND PROVIDING FOR THE SEVERABILITY THEREOF.

BACKGROUND:
This request is for an amendment to Section 19-302 of Chapter 19 (Subdivision Ordinance). During the February 14, 2013, Planning Commission meeting, staff proposed amendments to Article I, Section 19-104; Article II, Sections 19-201,19-202 and 19-204; Article III, Sections 19-301, 19-307 to 19-319; and Article VI, 19-602 and 19-606; and adding Article III, Section 19-320 of Chapter 19 (Subdivision Regulations) of the City's Code. Those amendments and addition were approved by the Planning Commission as Ordinance No. O-1213-32.

Due to a staff oversight, Article III, Section 19-302 of Chapter 19 was not included in the public notification and original ordinance title that was brought forward to Planning Commission in February. The following amended ordinance now includes this section of the subdivision regulations.

Even though the title above includes all sections of Chapter 19 that will be considered for amendment and addition as the case proceeds to City Council, the only section that Planning Commission is considering in this request is Section 19-302 which is the section that was omitted in the previous advertisement.

DISCUSSION:
The amended ordinance for consideration amends Article III, Section 19-302 of Chapter 19 to allow a preliminary plat applicant to apply for a pre-development meeting and Planning Commission meeting in the same application cycle. This is a companion amendment that is consistent with Ordinance O-1213-31 which was approved by the Planning Commission in February and amended the Zoning Ordinance with the same language to allow concurrent application submittal for pre-development and Planning Commission meetings.

RECOMMENDATION:
Staff recommends approval of the ordinance as amended.

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

FEBRUARY 14, 2013

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 14th day of February 2013. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions at least twenty-four hours prior to the beginning of the meeting.

Chairman Chris Lewis called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:
ROLL CALL

MEMBERS PRESENT	Roberta Pailes Cindy Gordon Andy Sherrer Jim Gasaway Sandy Bahan Tom Knotts Chris Lewis
MEMBERS ABSENT	Dave Boeck Curtis McCarty

A quorum was present.

STAFF MEMBERS PRESENT	Susan Connors, Director, Planning & Community Development Jane Hudson, Principal Planner Janay Greenlee, Planner II Ken Danner, Subdivision Development Manager Roné Tromble, Recording Secretary Leah Messner, Asst. City Attorney Larry Knapp, GIS Analyst II Terry Floyd, Development Coordinator

* * *

Item No. 7, being:
ORDINANCE NO. O-1213-32 – AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE I, SECTION 19-104; ARTICLE II, SECTIONS 19-201, 19-202 AND 19-204; ARTICLE III, SECTIONS 19-301, 19-307 TO 19-319; AND ARTICLE VI, SECTIONS 19-602 AND 19-606 AND ADDING ARTICLE III, SECTION 19-320 TO EXTEND THE VALIDITY PERIOD OF PRELIMINARY PLATS AND TO ESTABLISH FEES THEREFORE; TO REMOVE THE REQUIREMENT FOR PLANNING COMMISSION APPROVAL OF FINAL PLATS; AND TO REMOVE THE REQUIREMENT FOR PRE-DEVELOPMENT MEETING FOR PROPERTIES SUBDIVIDED BY CERTIFICATE OF SURVEY; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ITEMS SUBMITTED FOR THE RECORD:
1. Staff Report
2. Annotated Ordinance

and

Item No. 8, being:
ORDINANCE NO. O-1213-31 – AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 422.1 (AMENDMENT) OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO ALLOW CONCURRENT SUBMITTAL OF PRE-DEVELOPMENT AND PLANNING COMMISSION APPLICATIONS; REGULATING TIME BETWEEN PRE-DEVELOPMENT AND PLANNING COMMISSION MEETINGS; SPECIFYING NOTICE REQUIREMENTS AND CLARIFYING OTHER SUBMITTAL REQUIREMENTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ITEMS SUBMITTED FOR THE RECORD:
1. Staff Report
2. Annotated Ordinance

PRESENTATION BY STAFF:
1. Terry Floyd – To give you a little background about what we're doing with amendments to both the Subdivision Regulations and also to the Zoning Ordinance, we essentially have four changes in our development process. These are done in an effort to streamline and speed up our timeline for a property that's getting through the platting process and so forth. The four options we'll be talking about tonight are extending the validity of a preliminary plat to five years, and also adding an administrative approval process for an additional five years; the review and approval of final plats solely by the City Council; allowing for Pre-Development and Planning Commission concurrent submittal; and then additionally removing the requirement for a Pre-Development meeting for COS properties above 40 acres. This is coming from the Council Business and Community Affairs Committee. We met and discussed with them and the development community at three different meetings to develop this and get where we're at today on these changes. First Subdivision Ordinance we'll be talking about is extending the validity of the preliminary plat to five years and adding an administrative approval process. Currently, for those of you who may not be familiar, most preliminary plats are good for three years, and if any portion of that is final platted it buys an additional two years, so that preliminary plat is valid for five years. With this change, that would just be a straight five years that the preliminary plat would be good for that; there wouldn't be the additional requirement of the final plat to get those two years. Additionally, we're adding an extension process, very similar to what Oklahoma City does, in that if a preliminary plat is up for expiration, the developer can come in with that plat and, barring what we would consider a major amendment to the plat, which is outlined in the ordinance, then with a $900 fee, formal letter, and application then that could be administratively approved by the Development Review Committee and then, therefore, that plat can then be extended administratively another five years. There is a requirement in this that any plat, as it comes forward to final platting, will comply with any changes in subdivision regulations or zoning or any of our engineering design criteria, land use plan – so, essentially, when that plat become final plat, any of those changes will be adhered to then and looked at. We look at some considerations for this change. We look at it could be a potential benefit to some of our larger subdivisions – those particularly well over 60-70 acres that

may be 10-15-20 years to build out. This could allow them to essentially continue that without sending it all the way back through the process and the costs for the development. Again, with the administrative review, that's just one less time that has to come back through and, when there are no changes, essentially, like tonight there was very few changes to the St. James Park plat so you saw that landed on the Consent Docket.

In the interest of time, go ahead and get to number 2 in our subdivision ordinance amendments. This is review and approval of the final plats by the City Council only. As you saw tonight, final plats are a Consent Docket item for Planning Commission. Generally, barring any major amendments, these plats are looked at by our Development Committee – all the plans and so forth are looked at and forwarded with a recommendation to the Planning Commission. Planning Commission makes that recommendation and it moves forward to Council. With this change, what's going to happen essentially is the Development Review Committee will make that recommendation. It will not appear on your Consent Docket any longer. The Development Review Committee will be responsible for the final plat construction plan approval, and also that will then allow them to issue – or authorize Public Works to issue construction plans. They'll also review the final plat requests for any public improvement deferrals and will make that recommendation to Council. This is being done, again, in an effort to save time through the development process because what can happen is if you have a final plat that you miss the Planning Commission deadline then you're waiting another whole month to show back up for something that is generally a Consent Docket item and we estimate this can save an applicant maybe even 30 days in the development process. Also see this development change as a big help for smaller commercial developments or maybe industrial developments that are on a very limited timeline for opening. Let's say they want to try to be up and have a building permit in 100 days or have a building completed in 120 days – 30 days makes a huge difference.

The third change we'll talk about is the change in the Zoning Ordinance. This is the change that allows a property to apply for Pre-Development and also for Planning Commission in the same application cycle. As you know, today development has to complete a Pre-Development meeting if they're a Land Use Plan change, rezoning, certificate of survey, and all forms of preliminary plats have to go through a Pre-Development meeting. By the time that meeting is complete, they've missed the deadline for that next month's Planning Commission, so that means that's another whole month before they get there, again adding additional time to the development process. This change allows, at the developer's option, to put those applications in at the same time. Again, that is the developer's option. The Pre-Development meeting is still good for six months. Additionally, at times the applicant may do a Pre-Development meeting to gauge the interest of the community, and if they feel that that interest, or there's changes to be made, they may not move forward to the Planning Commission in the same month. So, again, this is just an option we're moving forward to them. It does not preclude the requirement for any of these types of developments to go through a Pre-Development meeting, so I wanted to be sure that was clear as that question has come up previously.

The fourth change we talk about tonight is another change to the Subdivision Ordinance. That's the requirement for a Pre-Development meeting for any certificate of surveys that are over 40 acres. Any parcel smaller than 40 acres in the COS does not have to go through a Pre-Development meeting. We don't get a lot of very large certificate of survey properties. If there is anybody there at the Pre-Development meeting, it's out of curiosity. Sometimes these are family plats or family land and so, again, just an effort to remove that step, particularly in private property ownership. We would say that would be at the option of the property owner and they may or may not go through that process.

I believe I've worked through some of the items. I'll be happy to answer any questions the Commissioners may have.

2. Mr. Sherrer – Talk about how Norman compares with other communities within the Metro. Mr. Floyd – We're about in the middle. Some communities are 1 and 2 years on a preliminary plat. Some have an appeal to the Planning Commission for an additional year and/or the

Community Development Director. Oklahoma City is five years. I believe Moore is 2 with the ability to appeal for an additional year. So ours is already among the longer time periods for preliminary plat.

3. Chairman Lewis – With regard to fees, are we on a comparable scale to Oklahoma City and those communities that you just mentioned? Mr. Floyd – When we talk about plat extension fees, we had a whole meeting on this last month where we broke down analysis of staff costs. Oklahoma City is the only other Metro community that's doing something similar to this. Their fee is $1,200 for this plat extension, but their original plat fee varies anywhere from $2,200 to $2,500. Our plat fee is $150 plus $10 an acre. A $900 fee is something that the development community felt was a fair price for this extension. So that's kind of where we compare on that, too.

4. Chairman Lewis – I guess that sparks a question. Why would we charge more for an extension as opposed to initially filing the plat itself? Mr. Floyd – This was a question that the Community Affairs Committee had as well. What they tasked staff to do was go back and look at what it actually cost us to do this. In our analysis, we came up with any plat with an amendment is going to cost the City $900 worth of staff time. That's maybe a little bit of overhead in there, but that's just direct time cost. So when we try to figure a plat fee, if you maybe just charged what the original plat fee was, in some cases, if you have a development that's 100 acres, if they pay the same initial fee, they would pay well over $1,000 for the extension. So $900 was a compromise and was a fee that the Community Affairs Committee and the development community felt would be a fair and applicable cost. Chairman Lewis – So this was a number that was reached with everybody at the table agreeing to a number? Perfect.

5. Mr. Knotts – Could you talk to me a little bit about the Development Committee? Mr. Floyd – That's a committee that's comprised of the Utilities Director, Planning & Community Development Director, also the Public Works Director, City Engineer, Principal Planner, and Subdivision Development Manager. That committee is who makes those recommendations to you on the final plats that appear on your Consent Docket.

6. Mr. Knotts – If the renewal process skips the Planning Commission, is there a public notice that would be connected to we have this plat? Mr. Floyd – No. Part of the thought behind that is, if the plat is not amended to such a state that it would feel like it needs to go back through the process, it essentially has been heard previously by the property owners and whomever in the area. Mr. Knotts – But you're taking a Pre-Development meeting out of this. We're talking about five years, and five years later it's going to be renewed to something. And that's an administrative decision. I have problems with that, but it seems to me that there should be some public notice in there that would notify – the curtain falls and time passes and the people that live around it – the development that's initially involved in the process that should have some ability to input in that renewal process I would think. Mr. Floyd – I will make note of that. Again, one of the things in the ordinance that is outlined is the plat can only be amended so much. It can only be changed a very little bit before – and if those changes are beyond that scope, then it does exactly that.

7. Mr. Knotts – I have problems with that, too. I'm not a lawyer, but I have seen "My Cousin Vinny" several times. I think we heard enough times from the non-City legal staff that "substantial" and "significant" are not definable and that's pretty wishy-washy and it just depends on who is on that committee or who is absent that day whether something is considered that it falls under needing to have a new process. Mr. Floyd – Again, we worked with the development community on this term. We have to leave a little flexibility in the language for the experts and the developer, in some cases, to reach some sort of decision on this, and there may be times when a change is not substantial.

8. Mr. Knotts – I really have a problem with the ability for the Development Committee to approve administratively that renewal based on what seem to be not very clear criteria. "Substantial" twice; "significant" and we've had that argument from the development community, and so I think that's a problem.

9. Mr. Knotts – I don't have a problem with Item 8, trying to cohabitate or file, but it seems like Item 7 has some real problems in the language. Mr. Floyd – It came up in subcommittee as well and that's why we drafted that language as to what the staff could or could not approve. That was one of those wording changes that we allow in there again to try to give a little bit of flexibility to both the staff and the developer to try to work out – and there may be circumstances where that cannot be worked out.

10. Mr. Knotts – So here's my problem with that. We've been badgered quite a bit by the development community about trying to have some of this flexible language, and now we've put it into an ordinance that essentially helps the development community. I don't have a problem with them, but I think that we need to be as tight as possible in the ability to define these changes that trigger either the administrative process or a new process. I mean, it talks about "minor" and that's such a subjective decision. I'm kind of concerned about that.

11. Mr. Knotts – On 7-9, paragraph (g), close to the end, it says complying with ordinance "occurring from the date of first renewal" – I think that probably ought to be from "first approval". Mr. Floyd – I can ask Legal if there's a difference in the term. Mr. Knotts – If it's from the point of renewal, then there's a possibility that there's a gap of five years of changes that could be slipped by or not adhered to – seems to me. Mr. Floyd – Right. When we move forward to the final plat, those will have to be complied with. So there is that protection there. The preliminary plat is, again, a very important phase of the development process, but those things can also be worked out in the final plat when it moves forward.

12. Mr. Knotts – Then on 7-11, paragraph 21, first sentence – I know in new laws you try to update the language. I'm not really sure that we have "original tracing in black ink". It's obsolete language.

13. Ms. Pailes – You do have to note, of course, that this is a reduction in the role of the Planning Commission, and so Commissioners need to ponder how they feel about that. It's not much of a reduction, because approval of final plats is almost never held up, so it's not a great deal, but it is nonetheless a reduction in the small amount of advisory role that we have and needs to at least be noted, because, of course, the question is is the goal to eventually eliminate the Planning Commission? There is nothing written in stone about the City having a Planning Commission. A lot of them don't. A lot of them don't have citizen involvement at this particular context. That thought at least has to occur to you. Mr. Floyd – I just want to point out that the preliminary plat is still coming through here, and the way our development process works, the preliminary plat is very, very important to the development process. That's where a lot of the work is done and the decisions are first made, and when those changes were made in the development process in 2000, that was part of the change that those came forward to the Planning Commission. I would point that out, but I do understand what you're saying as well.

AUDIENCE PARTICIPATION:

1. Harold Heiple, 218 East Eufaula, representing the Norman Developers Council – Sean Rieger sent in an email earlier, I believe to the Chair, saying that he cannot be here tonight but the Homebuilders Association likewise supports, as do we, the recommendation for approval of both of these. I came to be very short and say we like your recommendation. But I appreciate My Cousin Vinny raising all these points that he's concerned about, and I appreciate Ms. Pailes coming up with a concern about is it an erosion of Planning Commission responsibilities. Let me start out by saying to you that this has been vetted by all the players to a great extent – lots of

conversation by the staff, by a City Council committee consisting of five Council members, and usually there were more than five at these meetings. There was considerable discussion. These things were tweaked and it came in over a period of time. It didn't just suddenly come off of somebody's pen at a desk in the staff room and come forward. So let me try to briefly touch on some of the concerns that you had.

First about notice. There's no requirement for a notice on a beginning preliminary plat. The notice requirement is with rezoning. Norman requires that if you're rezoning you must submit a preliminary plat with it. So that's why you see notice done because you see prelims and rezoning come together as a package to you. So there is notice at the inception before you approve a preliminary plat or send it forward you've had your public notice, you've had your public hearing, and people have attended.

Now, I really do appreciate the fact you recognize that over the years we were very concerned about ordinances that had "substantial compliance" or "minor changes" or "major changes" because of the subjectivity involved. As a matter of fact, that was a concern specifically of several members of the City Council – not wanting to get bogged down in that kind of subjectivity. We worked all through it and we took out a number of areas where that took place. In this one area we agreed that there is no way you can be so specific on what is a list of what is or is not minor or major that you could cover every possibility. We are leaving with the Director of Planning the decision-making as to is it minor or is it major, because if the Director of Planning says it's major then it's coming back to the Planning Commission. It's not the development community; it's the staff member who is responsible for implementing not only the ordinances in the community but the 2025 Plan so that giving that kind of subjective approval and flexibility to a staff member is not something that is at all likely to hurt the legitimate needs of the City of Norman. So you're not putting the fox in charge of the hen house when you're doing that. We feel very strongly that the language in these things has been vetted.

I can understand you look at particular sections and you think, well, I'd suggest changing white to caramel or some off color, but believe me it has been worked over and this business, for example, the $900 fee – recognize that might not be right and said bring it back if $900 turns out to be not the appropriate number – come back and do it; the flexibility is there. What we're trying to do is not to take away the powers of the Planning Commission. We're trying to reduce the undue time requirements imposed by Norman regulations on getting through the pipeline here. That's why we are the most expensive city in the state in which to develop – because of the time it takes. And by not coming back to you with a preliminary plat on an administrative extension is because the fact that it is not changed is something – and final approval of a preliminary belongs to the City Council, not to the Planning Commission, so the only thing you can do is make recommendations. If the Planning Director certifies that there has not been a change, then you really haven't been deprived of something. What you have done is say, thank you. You have saved us, as Planning Commissioners, the time of worrying on something that is just perfunctory and ministerial, because it really hasn't changed.

Let's go back to this idea about five years. Somebody says that if you can't build your project in five years, why include all this stuff? Because all of the requirements of the City for regional drainage solutions, as opposed to localized drainage solutions – all the requirements about transportation – master transportation plans – all the other requirements overall – general land use requirements that have developed within the last 10-15 years mean that the plats that are coming in now for subdivisions embrace many more acres – and these are 15 and 20 year projects. So the question becomes why, then, do you even preliminary plat something that's going to take you 20 years? And the reason is because the City of Norman requires that if I'm going to come in and final plat any part of a tract that I own, I must preliminary plat the entire tract. And there's a good, valid reason for that. And that's because, if I'm going to do a part of it, I've got to put a street in or streets someplace, but if that occupies only a portion of, let's say, a 40 or a 60 or a larger acre tract, then the City has got to see up front where is that street going to come out on the other side – on the far end or on the sides. Because, as we develop, you know that we've got to provide – you can't just stub in and leave it there and not worry about what's going to happen when the rest of the thing develops. So that's why we have to

preliminary plat every bit of the property. The old North Base – 585 acres when it was zoned – came in under one preliminary plat when there was absolutely no idea of what was going to happen out there from the inception. So these are things – these are legitimate requirements the City has had for years and we're not trying to get around those – they're good requirements – they're reasonable requirements. What we are saying is that there has been an awful lot of work put in on this in an effort to say that, really, we do need to streamline and we need to shorten the time in the pipeline in Norman, because time is money. If you're holding up – because you only meet once a month as a Planning Commission. We miss your deadline, another 30 days. If you're paying interest on a multi-hundred thousand dollar development loan, you're spending a whole lot of money just killing time. And we're not asking for things that require a legitimate analysis of land use for your recommendation to go forward. We're asking for things that are perfunctory and truly administrative to go straight on through and let's get 'em done so that we can proceed to turning out product that is on an equivalent costs basis to the ultimate consumer as our other neighboring communities afford to their consumers. With that, it really has been worked over. We owe a great deal of thanks to the staff, especially Terry Floyd who has coordinated this on behalf of the staff. They asked us for some starting points; we gave them. But, believe me, City Council members, staff members, development community – all have had considerable input in this. It doesn't come to you lightly. If something needs to be changed, the attitude is it will be changed, no problem. If that's out of date, that's no problem. That doesn't shut the process down. So please don't tweak the language. We'd respectively ask for you just to say this is a good deal to City Council. We recommend your approval. Thank you.

2. Chairman Lewis – In your opinion, have all vested parties had a chance to come to the table in actually producing this document that we have in front of us. Mr. Heiple – The builders and the developers certainly have. Staff will have to speak for itself, but can't think of any staff members who are typically in the game that haven't been participating in this. But Susan can speak better than I can as far as staff participation. And I can promise you that a majority of the City Council has been involved. Ms. Connors – These are primarily changes that affect Public Works and Planning Departments, and certainly those two departments as well as the City Manager's department have been very actively involved in this. And the Legal Department.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Gasaway – I'll just say I think these are some outstanding changes and I'm glad that we're able to streamline the process a little bit and congratulations to the staff and the development community on a good workout.

Jim Gasaway moved to recommend adoption of Ordinance No. O-1213-32 to the City Council. Cindy Gordon seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Roberta Pailes, Cindy Gordon, Andy Sherrer, Jim Gasaway, Sandy Bahan, Tom Knotts, Chris Lewis
NAYES	None
ABSENT	Dave Boeck, Curtis McCarty

Ms. Tromble announced that the motion, to recommend approval of Ordinance No. O-1213-32 to City Council, passed by a vote of 7-0.

2. Ms. Pailes – One can't help note the irony that, if we're extending the time period for plat to five years, that suddenly there is deep concern about 30 days. One can't help note the irony there. Item 8 is about time and the whole point that when this was developed time was the critical element and time between the two – Pre-Development and the Planning Commission –

was of the essence. It came about roughly from some comments by Mr. Heiple that when a plan was before Planning Commission a lot of time, effort and money had already gone into it and to disapprove a plan at that point was really quite a disservice to the development community because so much time and effort had already gone into it. At that point a citizen asked him, well, when is the time to discuss it, if the Planning Commission is too late to discuss it because of the amount of time and effort gone into a plan – when is the time to discuss it and to be critical – because, perhaps, not every development is a perfect match for the neighborhood and that community? Eventually, the response to that was that a Pre-Development meeting was the time to discuss it, before it moves forward to Planning. But you require time in between there. In the Pre-Development meeting, in a way, it raises the flag early for developers and lets developers know that there is a difficulty early in the process before it gets to Planning. It also allows a neighborhood to coalesce and develop an opinion. Everybody has got stuff to do. It takes up a lot of a neighborhood to organize around an issue. They can't do it immediately. To deprive a neighborhood of sufficient time to organize and present their ideas between the Pre-Development meeting and the Planning Commission would be a disservice. The Pre-Development meetings actually have worked. Issues have come up. The developers have decided to accommodate the issues – to change or not – but, in any case, they were well aware, then, of what the issues were. But if they are going to accommodate, they need some time to do this – time to negotiate, time to get back with architects, time to ponder some changes. If they rush straight forward to Planning Commission, they're going to be disinclined to negotiate, to change, to alter things that have been upsetting to the neighborhood or the community. In other words, I think this basically takes all the force and good out of the Pre-Development meetings, because it collapses the time and time is what it's about. The Pre-Development meetings are a time when there can be an effective avenue for citizen input. Shorten the times shortens their effectiveness for citizen input. They can be a great venue for actual transparency, since they're face-to-face meetings. Now, everybody elected in Norman says that their goals are transparency and citizen input, and this is actually something that functions to further both of those goals. So I would definitely vote against this, because, as I said, the space of time between Pre-Development and Planning is necessary to the function of the Pre-Development meeting.

3. Mr. Heiple – Those are legitimate questions. Let me say that, in the preliminary discussions since we've had experience with Pre-Development meetings, as this came up one suggestion was made let's just do away with the Pre-Development meetings. The immediate response among the development group at that time was no. The Pre-Development meetings have turned out to be helpful. No question about it. There is no effort to do that. Here's the problem. You ask for time. If I'm going to proceed under the present thing, I have to file by about the 6th of the month in order to get on a Pre-Development meeting in the 4th Thursday of the month. Let's take February. I'd have to file early in February to get on the February meeting. Under the rules, I can't even apply for Planning Commission – I can't even apply for rezoning until after that meeting. That means I can't get on the March Planning Commission docket, which is three weeks after the meeting – three weeks. I have to go clear to April. Now, what we have found is that, if there is a good distribution of what the applicant proposes to do, and it's suggested in here it will be mailed out with both map copies as well as the text of what the proposal is – it's a whole lot better than what the actual instructions and requirements are today, because when Massie drew up these things – requirements for a Pre-Development meeting – he not only put draconian requirements and expensive requirements on there about what you had to come in with, that just damn near equaled the expenses that had to be made in bringing in a preliminary plat. We pointed that out to them, and there was the same thing that said lawyers can't speak up for applicants at a Pre-Development meeting. And Mr. Massie and I had a closed door session about that and I said we're not going to be coming in with something that complies with the preliminary plat and if a client of mine wants me to speak at a Pre-Development meeting, I'll be speaking so understand that and if we're going to have a problem about that – well, that didn't become a problem, and it's been pretty informal in terms of those sort of allowances. But

the existing regulations that are on there are overly restrictive, so that's what we're trying to do is get out of there. Now, under what's before you now, you apply for the Pre-Development meeting. The notice is sent – you're still on the same timeframe as far as scheduling Pre-Development meeting. You have that Pre-Development meeting on the 4th Thursday of the month. You meet on the 2nd Thursday of the next month, which is some three weeks later. So the public has been brought in. They've had their 15 – 10 – 20 – 15 day notice – whatever it is. They've had a notice about it and they can come in to that Pre-Development meeting, which has been very beneficial in the opinion of those who have actually participated in Pre-Development meetings – and the actual experience has been that there have been comments made which can be adjusted on the fly. In today's computer-aided plan drawing it's not that tough to make changes in preliminary plats that are started out. It allows us, then, to find out if there is something that needs to be changed, or if there's something that's going to be objected to at the Planning Commission and subsequently at the City Council, and make a value judgment about whether to try to accommodate it or to try to design around it, or whatever. But, in terms of actual practice and actual fact, we're not taking away the notice. We're not taking away the opportunity. We don't want to take away the opportunity for them to be heard. We want them to have that. We just don't want to be put into the deep freeze for an unnecessary extra month delay on something that can be expressed – if you can't make up your mind within 15 to 20 days as to whether or not you like something that's proposed for your neighborhood, then I'm sorry but you're not entitled to another month. So we don't need to give the public an extra month for that. We're certainly not trying to do away with the Pre-Development meeting. Thank you.

4. Chairman Lewis – I think what we have before us in the ordinance amendments – No. 7 and No. 8 – are an extraordinary effort between all parties – builders, developers, Council members, staff – in coming together and making something that actually meets the needs of everyone.

Andy Sherrer moved to recommend adoption of Ordinance No. O-1213-31 to the City Council. Sandy Bahan seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Cindy Gordon, Andy Sherrer, Jim Gasaway, Sandy Bahan, Tom Knotts, Chris Lewis
NAYES	Roberta Pailes
ABSENT	Dave Boeck, Curtis McCarty

Ms. Tromble announced that the motion, to recommend approval of Ordinance No. O-1213-32 to City Council, passed by a vote of 6-1.

* * *

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

MARCH 14, 2013

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 14th day of March 2013. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions at least twenty-four hours prior to the beginning of the meeting.

Chairman Chris Lewis called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:
ROLL CALL

MEMBERS PRESENT	Curtis McCarty Jim Gasaway Roberta Pailes Sandy Bahan Tom Knotts Chris Lewis
MEMBERS ABSENT	Andy Sherrer Cindy Gordon Dave Boeck

A quorum was present.

STAFF MEMBERS PRESENT	Susan Connors, Director, Planning & Community Development Jane Hudson, Principal Planner Janay Greenlee, Planner II Ken Danner, Subdivision Development Manager Roné Tromble, Recording Secretary Leah Messner, Asst. City Attorney Larry Knapp, GIS Analyst II Terry Floyd, Development Coordinator

* * *

Item No. 9, being:
ORDINANCE NO. O-1213-32 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE I, SECTION 19-104; ARTICLE II, SECTIONS 19-201, 19-202 AND 19-204; ARTICLE III, SECTIONS 19-301, 19-302, 19-307 TO 19-319; AND ARTICLE VI, SECTION 19-602 AND 19-606; AND ADDING ARTICLE III, SECTION 19-320 TO EXTEND THE VALIDITY PERIOD OF PRELIMINARKY PLATS AND TO ESTABLISH FEES THEREFORE; TO REMOVE THE REQUIREMENT FOR PLANNING COMMISSION APPROVAL OF FINAL PLATS; TO AMEND THE DEVELOPMENT APPLICATION PROCESS; AND TO REMOVE THE REQUIREMENT FOR PRE-DEVELOPMENT MEETING FOR PROPERTIES SUBDIVIDED BY CERTIFICATE OF SURVEY; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ITEMS SUBMITTED FOR THE RECORD:
1. Staff Report
2. Annotated Ordinance Section

PRESENTATION BY STAFF:
1. Terry Floyd – This ordinance amendment was before you last month regarding a myriad of changes. It's back before you again this month because Section 19-302 of Article III needed to be amended to make it consistent with the Zoning changes to allow preliminary plats, specifically in this case, to have Pre-Development in the same application cycle. So this little section cleans up that and makes it consist with Ordinance No. O-1213-31.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Jim Gasaway moved to recommend adoption of Ordinance No. O-1213-32 to the City Council. Curtis McCarty seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Curtis McCarty, Jim Gasaway, Roberta Pailes, Sandy Bahan, Tom Knotts, Chris Lewis
NAYES	None
MEMBERS ABSENT	Andy Sherrer, Cindy Gordon, Dave Boeck

Ms. Tromble announced that the motion, to recommend approval of Ordinance No. O-1213-32 to City Council, passed by a vote of 6-0.

* * *

CITY COUNCIL
BUSINESS AND COMMUNITY AFFAIRS COMMITTEE MINUTES

February 7, 2013

The City Council Business and Community Affairs Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 9:00 a.m. in the Conference Room on the 7th day of February, 2013, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Jungman, Spaulding, and Chairman Lockett
ABSENT:	Councilmembers Kovach and Williams
OTHERS PRESENT:	Councilmember Roger Gallagher, Ward One Mayor Cindy Rosenthal Mr. Trey Bates, 3720 Timberidge Drive Ms. Tessa Beder, Norman Chamber of Commerce Mr. Steve Ellis, 633 Reed Avenue Mr. Harold Heiple, 218 East Eufaula Ms. Joy Hampton, The Norman Transcript Mr. Don Wood, Executive Director, Norman Economic Development Coalition
STAFF PRESENT:	Mr. Jeff Bryant, City Attorney Ms. Susan Connors, Director of Planning and Community Development Mr. Ken Danner, Subdivision Development Manager Mr. Terry Floyd, Development Coordinator Mr. Jud Foster, Director of Parks and Recreation Mr. Anthony Francisco, Director of Finance Mr. Steve Lewis, City Manager Ms. Leah Messner, Assistant City Attorney Mr. Shawn O'Leary, Director of Public Works Mr. Scott Sturtz, City Engineer Ms. Syndi Runyon, Administrative Technician IV

Item 1, being:

CONTINUED DISCUSSION REGARDING STREAMLINING THE DEVELOPMENT PROCESS.

COSTS ASSOCIATED WITH REVIEWING PLATS

Mr. Terry Floyd, Development Coordinator, said in its meeting of January 3, 2013, the Business and Community Affairs Committee (BACA) continued their discussion regarding options to streamline the City's current development process. Staff presented research related to development timelines in communities comparable to Norman and presented language that clarified what constitutes an administrative change in a preliminary plat as a part of the proposed preliminary plat extension ordinance. Staff was asked to research the City's costs associated with reviewing plats as part of the proposed preliminary plat extension process and explore options for streamlining the pre-development meeting process.

Item 1, continued:

Mr. Floyd said Staff researched personnel costs associated with conducting a review of a preliminary plat and utilized a cost analysis that factored each employee involved in each phase and review of the employee's estimated time during each phase of review. He said hourly wage figures include the employee's salary and benefits based on the employee's current rate.

During the streamlining review, it became evident that two cost totals would be needed, one based on a preliminary plat review with no changes and one based on a preliminary plat review with minor amendments. In the proposed preliminary plat extension process, the following conditions will be considered as minor amendments to a preliminary plat applying for extension that can be approved administratively:

- An increase in the number of lots up to 10% or decrease in the number of lots
- Changes to parkland location upon recommendation of approval by the Director of Parks
- Street alterations that concurrently accompany a request for an increase or decrease in the number of lots without substantial altering

Mr. Floyd said the proposed fee for a preliminary plat with no amendments is $450 and the proposed fee to review preliminary plats with minor amendments is $900 and highlighted the proposals. He said the cost difference is due to the number of Staff involved and estimated amount of additional time involved in each review.

Mr. Floyd said Staff previously proposed an extension fee of $1,200 to be consistent with fees charged by Oklahoma City (OKC) for a similar process. He said representatives from the development community stated they would be willing to pay the same fee they pay for a preliminary plat filing which is $150 plus $10 per acre. He said depending upon the size of the development; fees could range from $160 for smaller developments to over $1,000 for larger developments. He said once a fee schedule has been determined, a biennial review will be done to ensure fees are adequate. Councilmember Castleberry said he was pleased the schedule will be reviewed regularly.

Councilmember Gallagher asked how an "adequate" fee could be determined when Staff is already working in that discipline and Mr. Floyd said Staff would look at the time it takes to review the plat to make sure time is adequately accounted for. Councilmember Castleberry asked if time will be tracked and Mr. Steve Lewis, City Manager, said yes, the proposals are estimates at this time.

Councilmember Gallagher said if there is no change or a simple change to a preliminary plat it would not involve every Staff person that reviewed the original preliminary plat and Mr. Floyd said generally, the Staff he listed is involved in the initial process as well as the extension process, but if an amendment did not include park changes then the Parks Department would not be involved. Councilmember Castleberry said it appears Staff is using a worst-case scenario in listing Staff that could be involved in reviewing the plat, but that does not necessarily mean they will be involved and Mr. Floyd said that is correct. Councilmember Castleberry asked if there was Staff that could possibly review the plat that are not listed and Mr. Shawn O'Leary, Director of Public Works, said the Fire Department. He said public safety is always a concern. Councilmember Castleberry asked what their role would be in reviewing the plat and Mr. O'Leary said they would be reviewing the water system to ensure there is enough water coverage for extinguishing fires, access to the development, lane width, etc. Councilmember Gallagher said water usage will become more serious given the drought situation. Mr. O'Leary said the City's Code is very clear on what every subdivision has to produce in terms of gallons per minute at a hydrant and coverage to every house.

Item 1, continued:

Councilmember Castleberry asked if the application is an extension of a previously approved plat, what factors would change that aspect and Mr. O'Leary said there should be no factors. Mr. O'Leary said changes are not always internal to the plat, they could be external to the plat (the perimeter). Councilmember Jungman asked if Staff ever visited a development site and Mr. O'Leary said yes, there are extensive site visits. Councilmember Jungman asked if Staff visits the site when a developer applies for an extension and Mr. O'Leary said yes, generally to review perimeter property changes. Councilmember Castleberry asked if that Staff time is included in the proposals and Mr. O'Leary said yes, an estimated time. Councilmember Jungman asked if proposals include costs for the use of City vehicles and Mayor Rosenthal thought that was a good point. She said contractors and engineers include time, fuel, mileage, etc., into their costs so she did not have a problem with the City's extension fee covering direct costs, which is standard practice. Mayor Rosenthal said the proposals just include costs of doing business, generally.

Mayor Rosenthal asked how long OKC has charged $1,200 for plat extensions and Mr. Floyd said since the mid 1990's. He said their filing fees range from $2,200 for a plat under ten acres to $2,500 for anything over ten acres so $1,200 is basically half their initial filing fee. Mayor Rosenthal said the City of Norman needs two levels of fees with amendments having a higher cost. She felt the City should charge $1,200 for minor amendments and $600 for no amendments. Councilmember Castleberry said he would not be opposed to that, but $900 and $450 would actually make Norman more competitive. Councilmember Jungman liked the idea of matching cost to Staff time as it is a good principal. Councilmember Gallagher asked if OKC based their fees on employee time and wages and Mr. Floyd said he did not research OKC Staff costs. Councilmember Gallagher asked if that would be a factor and Mr. Lewis said Staff does not know OKC's factors as that is an internal issue within that City. Mr. Floyd said OKC processes 12 to 15 plats per year whereas Norman processes four to five maximum. He said he expects residential subdivision developers to use the extension more than commercial developers.

Mr. Trey Bates, 3720 Timberidge Drive, said he is concerned about the ambiguity of what constitutes a minor amendment. He suggested splitting the difference for a fee of $900. Councilmember Castleberry asked if most extensions have amendments and Mr. O'Leary said he did not think any extension is ever submitted without a change. He said the question is whether the changes are minor or major.

Councilmember Castleberry said the simpler the City can make the process, the better. He said more Staff time and cost has been invested on this discussion than he feels is necessary and encouraged Council to move forward. He said the fees are immaterial in a $240 million budget.

Chairman Lockett said businesses would rather have consistency and know what fees will be charged and having a competitive edge would be nice.

Mayor Rosenthal said she was fine with charging $900 and Mr. Floyd asked if $900 was the consensus of Council and they said yes. Councilmember Castleberry said he was comfortable with that since the process can be reviewed later and fees changed if warranted.

Mr. Steve Ellis, 633 Reed Avenue, asked if the $900 fee is the City's way of subsidizing plat extension in order to compete with OKC and Councilmember Castleberry said subsidizing is not the correct word. He said as long as the City if averaging out and does not have a material cost, he is comfortable with that. Mayor Rosenthal said Mr. Ellis has a relevant philosophical point; however, the City is in the service business so the City is trying to cover direct personnel cost while providing a service and recognizing all costs will not be covered. Councilmember Castleberry said he would rather the fee be a little low opposed to not getting a development because the fees were too high, which could ultimately cost the City thousands of dollars in revenue. Councilmember Gallagher said the point is to be competitive and provide a good service for a decent price so businesses will want to build in Norman. Councilmember Jungman said he did not favor trying to be competitive on plat fees, but if $900 if fair, fair is good. Councilmember Castleberry asked if he could quote Councilmember Jungman on not wanting to be competitive and he said he could quote him on stating he does not want to be competitive on plat fees.

Item 1, continued:

OPTIONS FOR STREAMLING THE PRE-DEVELOPMENT MEETING PROCESS

Mr. Floyd said the City currently requires applicants applying for rezoning, Land Use and Transportation Plan (LUP) amendments, Certificates of Survey (COS), and all forms of preliminary plats to attend a pre-development meeting before the application is eligible to be submitted for Planning Commission's (PC) consideration. The first opportunity for the development to appear on a PC agenda is the following month, which can add approximately 28 to 30 days to the development process. He said Staff and the development community discussed options to condense the timeline for pre-development meetings and PC submittal.

Mr. Floyd said the purpose of the pre-development meeting is to allow surrounding neighbors to meet with the applicant in an informal setting and gain information about the proposed application. He said an option to streamlining the process is to allow pre-development meetings to be held on an as-needed basis. The proposal will also allow an applicant to submit their application for a pre-development meeting and Planning Commission meeting in the same application cycle, which could reduce the timeline by approximately 28 to 30 days. He said the choice is up to the developer on whether or not to skip the pre-development meeting and many may choose to have the meeting. He said the proposal would require an amendment to Section 19-301 of the subdivision regulations and Section 442.1 of the Zoning Ordinance.

Mr. Floyd said the amendments may be beneficial to smaller commercial developments or industrial prospects that may be working on a compressed timeline. The developer may choose to hold a pre-development meeting in advance of the PC submittal to receive and/or resolve questions or concerns the surrounding property owners may have. The pre-development meeting is valid for up to six months before PC submittal.

Councilmember Jungman asked if pre-development meetings are valid after a PC meeting and Ms. Susan Connors, Director of Planning and Community Development, said the pre-development is expired at that time and no longer valid. She said if any changes are made the applicant must go through the development process again.

Mayor Rosenthal said the original trigger for protests is currently 20% and the proposal is suggesting 30% and asked why the change since it is rare to even receive 20%. Ms. Connors said it was suggested by the development community and there did not seem to be any harm in changing the percentage. Mr. Harold Heiple, 218 East Eufaula, said protests on pre-development meetings are not as important as protests filed with the PC. He said 30% would be more indicative of problems or concerns and adds protection to neighborhoods. Mayor Rosenthal felt the applicant is already allowed to forego the pre-development meeting so adding 30% protest seemed unfair to property owners who do not get a "peek" at the development. Mr. Heiple said if 30% versus 20% is a deal buster, change it back to 20% and move on and Mayor Rosenthal said she would be more comfortable with 20%.

Mr. Floyd said the proposed amendments could be submitted for PC review on February 14th and to Council for First Reading on March 12th and Second and Final Reading on March 26th. He said if Council prefers, the information can be presented at a Study Session for additional comment or review. Mayor Rosenthal did not believe a Study Session would be necessary and told Staff to submit the proposals to PC on February 14th and if there is significant feedback suggesting Council should reconsider, a Study Session can be scheduled.

Items submitted for the record

1. Memorandum dated January 31, 2013, from Terry Floyd, Development Coordinator, to Council Business and Community Affairs Committee with Attachment A, City of Norman Employee – Total Hours and Cost, No Amendments to Preliminary Plat; Attachment B, City of Norman Employee-Total Hours and Cost, With Amendments to Preliminary Plat; and Attachment C, Draft Ordinance
2. PowerPoint presentation entitled, "City of Norman Development Streamlining Options," Council Business and Community Affairs Committee, dated February 7, 2013

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: O-1213-33

File ID:	O-1213-33	**Type:**	Ordinance	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 32	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	02/25/2013
File Name:	O-1213-33 Removal of Fire Limits from Code of Ordinances			**Final Action:**	

Title: CONSIDERATION OF ORDINANCE NO. O-1213-33 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE II, CHAPTER 5, OF THE CODE OF THE CITY OF NORMAN BY DELETING SECTION 5-206 WHICH DESIGNATES THE FIRE LIMIT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Notes: ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-33 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-33 upon Final Reading as a whole.

ACTION TAKEN: _____

Agenda Date: 03/26/2013

Agenda Number: 32

Attachments: Text File O-1213-33, O-1213-33 Clean, O-1213-33 Annotated, FireDistrict Map

Project Manager: Susan Connors, Director of Planning and Community Devel

Entered by: jayme.rowe@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	03/12/2013	Introduced and adopted on First Reading by title only				Pass
	Action Text:	That this Ordinance be Introduced and adopted on First Reading by title only. by consent roll call					

Text of Legislative File O-1213-33

Body

BACKGROUND: Currently, the City of Norman has established fire districts under Chapter 5, Section 5-206 of

the Code of Ordinances adopted by Council in 1980. A map depicting the locations of the fire districts are attached to this item. With the creation of the fire districts, all non-residential properties within the districts were required to comply with building code requirements for use of non-combustible materials, two-hour fire resistant construction, parapets extending about the roof line, and other fire-safe building methods. At the time of the adoption of the fire districts, there were only two fire stations in Norman, and that lack of infrastructure led to the creation of these districts. The district boundaries were drawn as a result of the heavy concentration and close proximity of non-residential structures within the designated fire districts and the increased risk of a fire spreading quickly between structures.

Progressively, building codes began to integrate stricter requirements into the more general requirements of the code pertaining to buildings constructed in close proximity to each other.

DISCUSSION: The City of Norman Planning Department and Fire Department have reviewed the ordinance creating the fire districts in light of current building and fire code general requirements and both departments have concluded the special fire district designation is no longer necessary. Removing the fire districts from the Code of Ordinances will not adversely impact safety of the built environment in those areas and may enhance current and future development without the hindrance of special consideration imposed by the code. These conclusions are also supported by current firefighting equipment and available water supplies and improved infrastructure.

The current Building Code, adopted by the City of Norman, contains the same requirements for buildings built in close proximity to others that are required for properties built in fire districts. For that reason, the safety precautions of the use of non-combustible materials, two-hour fire resistant construction, parapets extending about the roof line, and other fire-safe building methods are already being met. Meeting these additional conditions for construction type mandated in the fire districts adds costs to the construction of buildings. Using the current building code requirements allows various methods of compliance rather than the single requirement of non-combustible materials.

RECOMMENDATION: The proposed removal of the fire districts from Chapter 5 of the Code of Ordinances is suggested modernization of the Code recommended by both the Planning and Fire Departments. If City Council wishes to remove those districts, Staff recommends adoption of Ordinance No. O-1213-33.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE II, CHAPTER 5 OF THE CODE OF THE CITY OF NORMAN BY DELETING SECTION 5-206 WHICH DESIGNATES THE FIRE LIMIT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. That Section 5-206 of Article II of Chapter 5 of the Code of the City of Norman shall be deleted as follows:

Sec. 5-206. Reserved.

* * *

§ 2. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, except that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this _____ day

of _____, 2013.

_____

Cindy Rosenthal, Mayor

ATTEST:

_____

Brenda Hall, City Clerk

NOT ADOPTED this _____ day

of _____, 2013.

_____

Cindy Rosenthal, Mayor

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE II, CHAPTER 5 OF THE CODE OF THE CITY OF NORMAN BY DELETING SECTION 5-206 WHICH DESIGNATES THE FIRE LIMIT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. That Section 5-206 of Article II of Chapter 5 of the Code of the City of Norman shall be deleted as follows:

Sec. 5-206. ~~Fire limits.~~ Reserved.

~~The fire limit district includes all property not zoned residential within the areas bounded by:~~

~~(1) Beginning at the intersection of Alameda Street and Ponca Avenue, north along Ponca Avenue to Acres Street, west along Acres Street to Daws Street, west along Daws Street to Webster Avenue, south along Webster Avenue to Tonhawa Street, west along Tonhawa Street to Pickard Avenue, north along Pickard Avenue to Kansas Street, west along Kansas Street to Berry Road, south along Berry Road to Barbour Street, along Barbour Street to Foreman Circle, along Foreman Circle to Foreman Avenue, along Foreman Avenue to Main Street, east along Main Street to Gatewood Drive, south along Gatewood Drive to a point due west of Garver Street to Pickard Avenue, south on Pickard Avenue to the centerline of Comanche Street, then due east of Lahoma Avenue, north along Lahoma to the intersection with Comanche Street, along Comanche Street to Santa Fe Avenue, south on Santa Fe Avenue to Symmes Street, east along Symmes Street to Peters Avenue, south along Peters Avenue to Alameda Street, then east along Alameda Street to the point of beginning.~~

~~(2) Beginning at the intersection of Boyd Street and DeBarr Avenue, then north along DeBarr Avenue to Duffy Street, west along Duffy Street to Asp Avenue, northerly along Asp Avenue to Apache Street, west along Apache Street to University Boulevard, south along University Boulevard to Boyd Street, east along Boyd Street to the point of beginning.~~

* * *

§ 2. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision,

and such holding shall not affect the validity of the remaining portions of this ordinance, except that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this _____ day

of _____, 2013.

_____
Cindy Rosenthal, Mayor

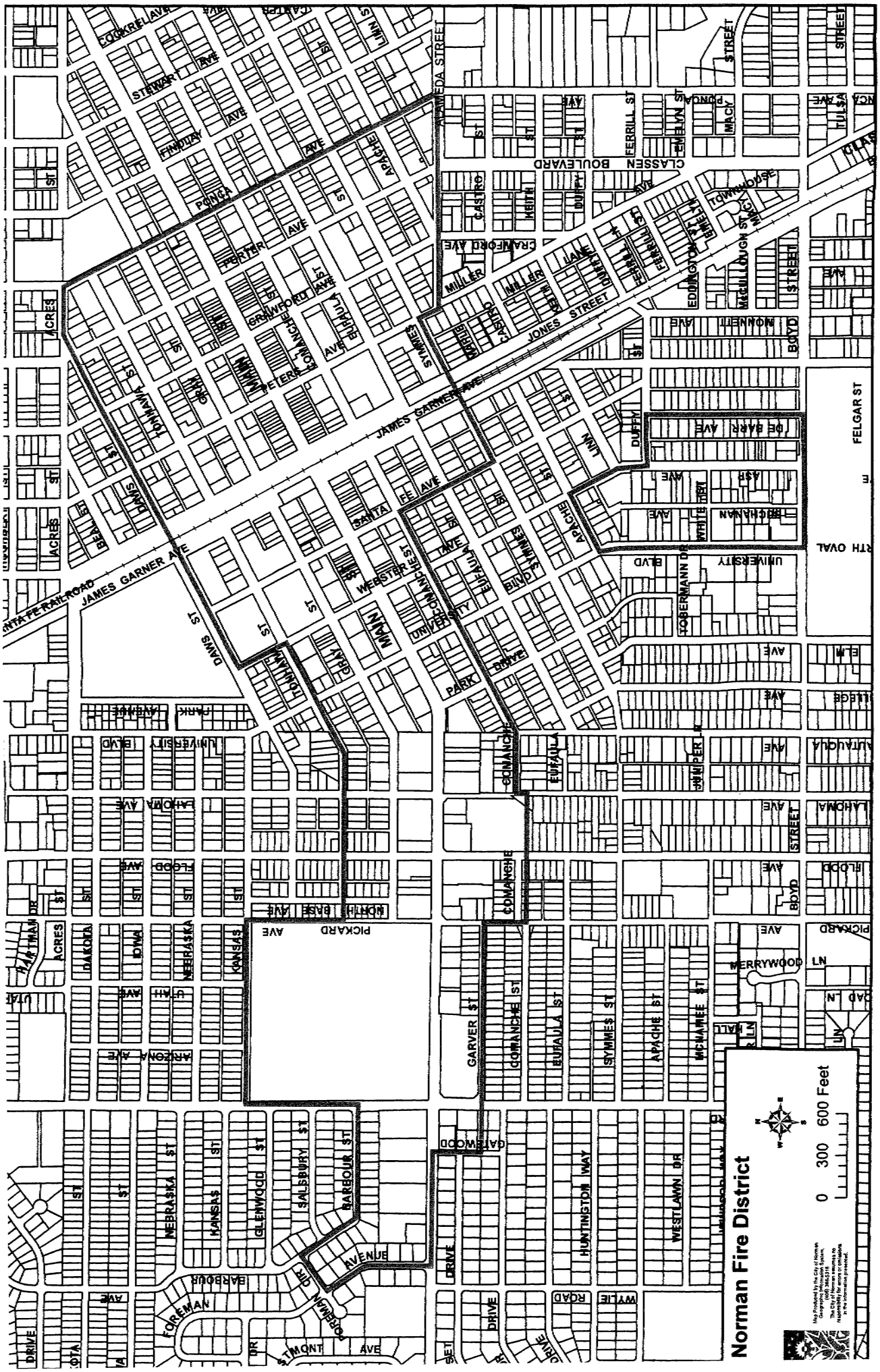
ATTEST:

_____
Brenda Hall, City Clerk

NOT ADOPTED this _____ day

of _____, 2013.

_____
Cindy Rosenthal, Mayor


Norman Fire District
0 300 600 Feet
CLASSEN BOULEVARD
JAMES GARNER AVE
JONES STREET
CRAWFORD AVE
PONCA AVE
STEWART AVE
FINDLAY AVE
PORTER AVE
GRAWFORD AVE
PETERS AVE
SANTA FE AVE
WEBSTER ST
PARK DRIVE
UNIVERSITY BLVD
LAHOMA AVE
FLOOD AVE
NORTH BASE AVE
PICKARD AVE
ARIZONA AVE
UTAH AVE
GATEWOOD
BARBOUR AVE
FOREMAN DR
STMONT AVE
DE BARR AVE
MONNETT AVE
MERRYWOOD LN
FELGAR ST
BUCHANAN AVE
TOBERMANN DR
SANTA FE RAILROAD
DAWS ST
TONHAWA ST
GRAY ST
MAIN ST
COMANCHE ST
EUFAULA ST
SYMMES ST
APACHE ST
LINN ST
DUFFY ST
MILLER
CASTRO
KEITH
FERRILL ST
EMELYN ST
MACY
TULSA
BOYD STREET
ALAMEDA STREET
GARVER ST
MCNAMEE ST
HUNTINGTON WAY
WESTLAWN DR
WYLIE ROAD
NEBRASKA ST
KANSAS ST
GLENWOOD ST
SALSBURY ST
BARBOUR ST
DAKOTA ST
IOWA ST
ACRES
BEAL ST
HARTMAN DR
JUNIPER LN
ELM AVE
COLLEGE AVE
AUTAUQUA AVE

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: K-1213-172

File ID:	K-1213-172	**Type:**	Contract	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 33	**In Control:**	City Council
Department:	Legal Department	**Cost:**		**File Created:**	02/20/2013
File Name:	Contract for Purchase of Water			**Final Action:**	

Title: CONTRACT NO. K-1213-172: A CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY, THE CITY OF DEL CITY, DEL CITY MUNICIPAL SERVICES AUTHORITY, AND CENTRAL OKLAHOMA MASTER CONSERVANCY DISTRICT FOR PURCHASE OF SURPLUS WATER FROM LAKE THUNDERBIRD.

Notes: ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject Contract No. K-1213-172 with the City of Del City, Del City Municipal Services Authority, and the Central Oklahoma Master Conservancy District; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Agenda Date: 03/26/2013

Agenda Number: 33

Attachments: Text File K-1213-172, K-1213-172, COMCD transmittal letter 02-08-13, Pert Excerpts Feb 19 SS Minutes

Project Manager: Kathryn Walker, Assistant City Attorney

Entered by: kathryn.walker@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File K-1213-172

Body

BACKGROUND: In September 2012, Staff met with Randy Worden, Executive Director of COMCD, to discuss a possible contract with Del City for a portion of their allocation. Mr. Worden conveyed that the COMCD Board had directed him to help facilitate a contract between Norman and Del City. After some preliminary discussion, Mr. Worden met together with the management of Del City and Norman to discuss the terms of such a contract. Staff updated the contract and sent it to Mr. Worden for his review. Staff recently received the draft back from Mr. Worden with some revisions. Staff discussed the terms of the contract with City Council at its Study Session of February 19, 2013. COMCD approved the contract at its March 7, 2013 meeting. Del City approved the contract at its March 18, 2013 meeting. When Staff received the approved versions of the Contract from COMCD, we discovered an addition to the terms in paragraph 22. The meaning of the added language was unclear to both our Staff and to the attorneys for COMCD and Del City. All attorneys agreed that

the term should be removed. As such, the version before Council does not include the term in question. Del City and COMCD will handle any corrective actions that need to be taken on their respective ends.

DESCRIPTION: The terms of the contract are summarized below.

Term: The initial term of the contract is proposed to begin May 1, 2013 and will expire after 5 years. The initial term may be renewed for an additional 5 years by written agreement of the parties.

Rate: COMCD has set the price for surplus untreated water for this year at $.33 per 1,000 gallons; the rate set forth for the term of this contract is also $.33 per 1,000 gallons.

Quantity of Water Available Annually: Up to 300 million gallons; possibility of increase to 500 million gallons.

Additional Provisions:

- Norman's water usage will be subject to water rationing when Del City implements its rationing program
- Norman's right to purchase and receive Del City water immediately ceases if 4 or more existing, functioning water wells within Del City cease to function. Norman's right to purchase and receive Del City water will be reinstated with the number of non-functioning wells is reduced to 3 or less.
- Usage of Del City water will be determined on an annual basis based on Norman's total water usage from the lake.

An agreement with Del City would secure our supply for planning purposes at a fixed rate that is less expensive than buying additional treated supplies from Oklahoma City. This would be particularly important if our allocation from COMCD were to be further reduced based on a reduction in the firm yield of the lake or if we were to lose a significant portion of our well supply. It will also allow us to plan for the expenditure and provide certainty of the rate for the term of the contract.

RECOMMENDATION: Staff recommends approval of Contract No. K-1213-172.

AGREEMENT FOR PURCHASE OF SURPLUS MUNICIPAL WATER

This AGREEMENT is made and entered into the _____ day of _____, 2013, by and between the parties, being Norman Utilities Authority of the City of Norman, Oklahoma, a public trust for the benefit of the City of Norman, Oklahoma, (hereinafter referred to as "NORMAN"), the Del City Municipal Services Authority, a public trust for the benefit of the City of Del City, Oklahoma (hereinafter referred to as "DCMSA"); the City of Del City, Oklahoma (City of Del City); and Central Oklahoma Master Conservancy District, a master conservancy district organized under the laws of Oklahoma (hereinafter referred to as "COMCD").

The parties agree as follows:

1. The City of Del City, Oklahoma and DCMSA are parties to a certain Contract with the Central Oklahoma Master Conservancy District, dated November 13, 1961 and extended on June 5, 1995, as amended, for a City of Del City water supply ("the Del City contract"), under the terms and provisions of which the City of Del City and the DCMSA are entitled to purchase a certain specified allocation of water from COMCD.

2. The City of Norman, Oklahoma and the Norman Utilities Authority are parties to a certain Contract with COMCD, dated September 5, 1961 and similarly extended, as amended, for the Norman water supply ("the Norman Contract"), under the terms and provisions which NORMAN is entitled to purchase a certain specified allocation of water from COMCD.

3. NORMAN anticipates, based upon past and current water demand and actual usage, that, in the near future, it will need more than the specified allocation of water available to NORMAN under said Contract with the COMCD, as amended, and that NORMAN desires to purchase Surplus Municipal Water (as referenced in Section 8. in both the Norman contract and the Del City contract) from COMCD, to help meet the needs and demands of NORMAN in the future.

4. DCMSA and the City of Del City are willing to allow COMCD to provide to NORMAN, at a mutually agreed upon price, some of the Surplus Municipal Water which DCMSA is otherwise entitled to purchase under the Del City contract.

5. NORMAN will pay COMCD for such Surplus Municipal Water.

6. Section 8. of the Del City contract and the Norman contract provides that when Surplus Municipal Water is available, COMCD may dispose of such current surplus on whatever terms it can arrange.

7. Net revenues from the sale of Surplus Municipal Water to NORMAN by COMCD, that was from amounts allocated to the City of Del City and DCMSA, shall be credited on the next payment or payments due to be paid by the City of Del City and DCMSA to COMCD.

8. DCMSA and the City of Del City shall retain all allocations and rights to all water which they have possessed immediately prior to the execution of this AGREEMENT, and NORMAN agrees not to seek or accept any rights to water as a result of the City of Del City and DCMSA making Surplus Municipal Water available to NORMAN under this AGREEMENT.

9. The effective date of this AGREEMENT shall be the 1st day of May, 2013.

10. COMCD will sell to NORMAN up to three hundred million gallons of Surplus Municipal Water per year from the Del City/DCMSA contract allocation under its COMCD Contract at the commercial billing rate set forth in Paragraph 18 of this AGREEMENT.

11. DCMSA agrees to notify NORMAN, in writing, as soon as practically possible, of any water rationing program implemented by the DCMSA or the City of Del City.

12. NORMAN will notify COMCD and DCMSA, in writing, within five (5) days of the date that NORMAN exceeds its allocation under the COMCD contract.

13. NORMAN will install all equipment required by local, state, and federal laws for the NORMAN water lines to, among other things, ensure raw water is being distributed and to monitor and reasonably repair any water line breaks.

14. NORMAN agrees that its water usage shall be subject to a water rationing program at least as stringent as the DCMSA or the City of Del City, Oklahoma water rationing program should one be implemented at a time when NORMAN is utilizing water from the DCMSA allocation during the contract term.

15. COMCD will prepare accurate billing statements at the conclusion of each water year (ending September 30 of each year) quantifying the amount of water purchased by NORMAN in accordance with Paragraph 18. herein and charging NORMAN the rate for such water set forth in Paragraph 18 below. NORMAN will pay to COMCD the amount stated in the billing statements sent by COMCD to NORMAN for the sale of such Surplus Municipal Water to NORMAN within thirty (30) days of the receipt of each such billing statement by NORMAN.

16. COMCD will receive the payments from NORMAN for the water NORMAN receives over its allocation under the COMCD contract and, to the extent such water received by NORMAN is within the amount of Surplus Municipal Water specified in Paragraph 18. of this AGREEMENT, shall credit such payments to DCMSA.

17. The Parties agree that the determination of NORMAN's purchase of water from COMCD under this AGREEMENT will be based on COMCD's records of NORMAN's total receipt of water for the water year, minus NORMAN's allocation amount under the Norman contract with COMCD.

18. COMCD will sell to NORMAN, and NORMAN shall pay COMCD for metered water, in a quantity up to three hundred million (300,000,000) gallons per year at the following rate: Thirty-three ($.33) cents per 1000 gallons.

19. NORMAN acknowledges that DCMSA has advised NORMAN that the requirements of the Internal Revenue Code of 1986 and regulations adopted thereunder (collectively, the "Code") applicable to obligations issued and to be issued by DCMSA to finance water facilities must be complied with in order for interest on such obligations to be and

remain exempt from Federal income taxation. To ensure and maintain compliance with such Code requirements, DCMSA makes the following covenants:

19.1 NORMAN will not sell any water purchased under this Agreement in any manner that would cause such sale to result in any facility of DCMSA being deemed to be used for a private business use under the Code.

19.2 NORMAN will not resell any water purchased under this Agreement, whether directly or as a part of a sale of water from NORMAN's water system, to a wholesale purchaser for resale by such purchaser. NORMAN will only sell water purchased under this Agreement to its retail customers for ultimate consumption or use.

19.3 NORMAN will not enter into any agreement for water purchased under this Agreement and resold to NORMAN'S retail customers except for arrangements for water sale that is available to the general public at either (i) no charge, or (ii) on the basis of rates that are generally applicable and uniformly applied, it being understood that for this purpose, rates may be treated as generally applicable and uniformly applied even if (x) different rates apply to different classes of users, such as volume purchasers, if the differences in rates are customary and reasonable; or (y) a specially negotiated rate arrangement is entered into, but only if the user is prohibited by federal law from paying the generally applicable rates, and the rates established are as comparable as reasonably possible to the generally applicable rates.

19.4 NORMAN will not enter into any arrangement for water purchased under this Agreement and resold to NORMAN'S retail customers that conveys priority rights or other preferential benefits or that would obligate any retail customer to make payments that are not contingent on the amount of water purchased by such customer such as take or pay or take and pay contracts.

19.5 In the event such Code requirements, or interpretations thereof, change after the date hereof, any or all of the foregoing may be modified, by notice in writing from DCMSA to NORMAN based on the advice of counsel, to reflect such changes.

19.6 NORMAN shall confirm to DCMSA at least annually by December 31 that it has not sold any water purchased under this Agreement other than in compliance with the forgoing. Nothing contained in this Article shall affect the ability of DCMSA to sell water to any customers under any conditions if and to the extent such sales are made solely from resources other than water purchased under this Agreement.

19.7 NORMAN represents and confirms that the Norman Utilities Authority is a public trust created and existing under the laws of the State of Oklahoma for the benefit of the City of Norman, Oklahoma, and covenants that it will continue to be such a public trust for the term of this Agreement. NORMAN further represents and confirms that it is exempt and will remain exempt from Federal income taxation for the term of this Agreement and, by virtue of such exemption, has not filed or paid and will not file nor pay any Federal income tax returns for the term of this Agreement

20. Having considered the potential liabilities that may exist during the performance of the SERVICES, the NORMAN fee for the SERVICES and in consideration of the promises contained in this AGREEMENT, DCMSA, NORMAN and COMCD agree to allocate and limit such liabilities in accordance with this Article to the extent permitted by Oklahoma statutes, constitution, and case law.

20.1 Consequential Damages. To the extent permitted by Oklahoma statutes, constitution, and case law, DCMSA shall not be liable to NORMAN or COMCD, NORMAN shall not be liable to DCMSA or COMCD, and COMCD shall not be liable to DCMSA or NORMAN for any special, indirect or consequential damages resulting in any way from the performance of this AGREEMENT.

20.2 Remedies and Indemnification for Breach of Tax Covenants. The parties agree that (a) the provisions of Paragraph 19. Of this AGREEMENT constitute material terms and conditions of this Agreement; (b) COMCD, the City of Del City, and DCMSA each has the right to terminate this Agreement by giving thirty (30) days' written notice to NORMAN in the event the City of Del City, DCMSA, or COMCD determines, in good faith, that NORMAN has breached any part of Paragraph 19. Of this AGREEMENT; and (c) because of the importance to DCMSA of preserving the tax-exempt treatment of the interest on its obligations, determinations by the DCMSA, in good faith, as to NORMAN'S compliance with the provisions of Article VI herein shall be conclusive. Notwithstanding the foregoing, NORMAN agrees to indemnify and hold harmless DCMSA for all costs incurred by DCMSA, including reasonable fees of counsel and other professionals, with respect to any action required to be taken by DCMSA to prevent, defend or settle any threatened, preliminary or final action or investigation by the Internal Revenue Service questioning or attacking the tax-exempt status under the Code of the interest on obligations issued by DCMSA arising from any violation by NORMAN of Article VI herein, except to the extent such violation results from any sale or resale approved in writing by DCMSA in its sole discretion. Any provisions contained herein which provide for indemnification shall not apply to the United States in the event that it or one of its agencies becomes a successor in interest to NORMAN. This Section shall survive the expiration or earlier termination of this Agreement.

20.3 Survival. Upon completion of all obligations and duties provided for in this AGREEMENT or if this AGREEMENT is terminated for any reason, the terms and conditions of this Paragraph 20 and all its subparagraphs shall survive.

21. The initial term of this AGREEMENT shall be for five (5) years commencing on May 1, 2013. The initial term may be renewed for an additional five (5) year term by written agreement of the parties. The foregoing notwithstanding, the provision of Surplus Municipal Water by COMCD to NORMAN may be terminated for failure to timely pay for such water as

provided in this AGREEMENT. This AGREEMENT may be amended or terminated at any time upon the mutual agreement of the parties hereto or their authorized representatives.

22. The terms and provisions of this Agreement for Surplus Municipal Water shall be suspended and COMCD's duty to sell water and NORMAN's right to purchase and receive said water shall immediately cease in the event that four (4) or more existing, functioning water wells within the City of Del City should cease to function. DCMSA shall immediately notify NORMAN and COMCD, in writing, in the event that four (4) or more of said wells cease to function. In the event that the number of nonfunctioning water wells is reduced to three (3) or less, the terms and provisions of this AGREEMENT shall be reinstated and the duties and rights hereunder shall be again enforceable from the date of said reinstatement.

23. Neither DCMSA, COMCD, or NORMAN shall be considered in default of this AGREEMENT for delays in performance caused by circumstances beyond the reasonable control of the non-performing party. For purposes of this AGREEMENT, such circumstances include, but are not limited to: abnormal weather conditions; unforeseen emergency causing infrastructure failure; floods; earthquakes; fire; epidemics; war; riot and other civil disturbances; strikes, work slowdowns and other labor disturbances; sabotage; judicial restraint; and inability to procure permits, licenses, or authorizations from any local, state, or federal agency for anything required to be provided by either DCMSA, COMCD, or NORMAN under this AGREEMENT.

24. Should such circumstances occur the non-performing party shall, within a reasonable period after being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this AGREEMENT.

25. NORMAN may request that COMCD and DCMSA grant increases in the quantities of water which NORMAN may purchase under this AGREEMENT on an annual basis from 300 million gallons to up to 500 million gallons.

26. Any communication required by this AGREEMENT shall be made in writing to the addresses specified below:

NORMAN:
Norman Utilities Authority
Attn: Director of Utilities
201-C West Gray
Norman, OK 73070-0370

City of Del City and DCMSA:
Del City Municipal Services Authority
P. O. Box 15177
Del City, OK 73155

COMCD:
Central Oklahoma Master Conservancy District
Attn: General Manager
12500 Alameda Drive
Norman, OK 73026

Nothing contained in this Article shall be construed to restrict the transmission of routine communications between representatives of NORMAN, the City of Del City, DCMSA and COMCD.

27. Any waiver by the City of Del City, DCMSA, NORMAN, or COMCD of any breach of this AGREEMENT shall be in writing. Such a waiver shall not affect the waiving party's rights with respect to any other or further breach.

28. The invalidity, illegality, or unenforceability of any provision of this AGREEMENT or the occurrence of any event rendering any portion or provision of this AGREEMENT void shall in no way affect the validity or enforceability of any other portion or provision of this AGREEMENT. Any void provision shall be deemed severed from this AGREEMENT, and the balance of this AGREEMENT shall be construed and enforced as if this AGREEMENT did not contain the particular portion or provision held to be void. The parties further agree to amend this AGREEMENT to replace any stricken provision with a valid Provision that comes as close as possible to the intent of the stricken provision. The provisions of this Article shall not prevent this entire AGREEMENT from being void should a provision, which is of the essence of this AGREEMENT, be determined void.

29. This AGREEMENT represents the entire and integrated AGREEMENT between NORMAN, the City of Del City and DCMSA, and COMCD. Except as otherwise specified herein, this AGREEMENT supersedes all prior and contemporaneous communications, representations, and agreements, whether oral or written, relating to the subject matter of this AGREEMENT. This AGREEMENT may only be changed by written amendment executed by both parties.

30. Nothing in this AGREEMENT supersedes, amends, or abrogates any of the provisions of the Del City contract with COMCD or the Norman contract with COMCD.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, NORMAN, DCMSA and COMCD have executed this AGREEMENT.

NORMAN UTILITIES AUTHORITY

Approved by NORMAN this _____ day of _____, 2013.

NORMAN UTILITIES AUTHORITY

By: _____
Cindy Rosenthal, Chairman

ATTEST:

_____
Brenda Hall, Secretary

REVIEWED this 21 day of March, 2013.

_____
Attorney for Norman Utilities Authority

CITY OF DEL CITY/DEL CITY MUNICIPAL SERVICES AUTHORITY

Approved by DEL CITY this ____ day of _____, 2013.

DEL CITY MUNICIPAL SERVICES AUTHORITY

By:_____
_____, Chairman

ATTEST:

_____
_____, Secretary

REVIEWED this _____ day of _____, 2013.

_____
Attorney for Del City Municipal Services Authority

CITY OF DEL CITY

By:_____
_____, Mayor

ATTEST:

_____
_____, Secretary

REVIEWED this _____ day of _____, 2013.

_____
Attorney for City of Del City

CENTRAL OKLAHOMA MASTER CONSERVANCY DISTRICT

Approved by COMCD this ____ day of _____, 2013.

CENTRAL OKLAHOMA MASTER
CONSERVANCY DISTRICT

By: _____
_____, President

ATTEST:

_____
_____, Secretary

REVIEWED this _____ day of _____, 2013.

_____
Attorney for COMCD

CENTRAL OKLA. MASTER CONSERVANCY DISTRICT
Lake Thunderbird
Serving
• NORMAN
• DEL CITY
• MIDWEST CITY
EST. C.O.M.C.D. 1965

12500 E. ALAMEDA NORMAN, OKLAHOMA 73026
(405) 329-5228 FAX 321-6944

February 8, 2013

Mark Edwards, City Manager
City of Del City
P.O. Box 15177
Del City, OK 73155

Guy Henson, City Manager
City of Midwest City
100 N. Midwest Boulevard
Midwest City, OK 73110

Steven D. Lewis, City Manager
City of Norman
P.O. Box 370
Norman, OK 73070

Re: Surplus Water Sale Contract

Gentlemen,

Enclosed is a copy of the water sale contract between the District, Del City and Norman. It originated with Norman and includes revisions by the District's counsel and me. Please review and provide any revisions to me for review and incorporation. I would like to have this finalized by March 7th, which is the next District Board of Directors meeting if at all possible.

Sincerely,

Randy Worden
General Manager

Councilmember Lockett suggested the Fire Department develop a program similar to their program on what to do during a fire and make that program available to civic groups, church groups, etc.

Items submitted for the record

1. Memorandum dated February 14, 2013, from James Fullingim, Fire Chief, to Honorable Mayor and City Council

Participants in discussion

1. Mr. James Fullingim, Fire Chief
2. Ms. Joy Hampton, The Norman Transcript

Item 2, being:

DISCUSSION REGARDING AN AGREEMENT WITH THE CITY OF DEL CITY AND CENTRAL OKLAHOMA MASTER CONSERVANCY DISTRICT FOR THE PURCHASE OF WATER.

Mr. Ken Komiske, Director of Utilities, said 62% of the City's water comes from Lake Thunderbird and the remainder comes from the Garber-Wellington Aquifer, which is being renamed the Central Oklahoma Aquifer. He said Norman obtains water from Oklahoma City (OKC) during emergency circumstances during the hotter periods of the summer. He said Norman, Midwest City, and Del City receive an allocation of water from Lake Thunderbird and, in the past, Norman was always below their total allocation, but for the past 16 years we have been over. He said Del City has decreased usage of their allocation because they are depending more on wells so they have surplus water that Norman could use. He said the availability of using Del City's water is not going to get Norman more water when it is needed in the summer, but it will help Norman to stay under their allocation in the long term.

Ms. Kathryn Walker, Assistant City Attorney, highlighted the terms of the contract with Del City. She said Del City chronically underuses their allocation. She said the contract would be for a five year term beginning May 1, 2013, with a renewal option for an additional five year term. Norman will pay thirty-three cents per 1,000 gallons and 300 million gallons will be available annually at a total cost of $99,000. She said the contract has an option for the potential provision of 500 million gallons at the same rate. If Del City institutes water rationing, Norman would have to do that as well. If Del City loses four or more of their wells, they do not have to provide the water to Norman.

Councilmember Castleberry asked what the City of Norman charges customers per thousand gallons of water and Mr. Komiske said $2.00 for the first 2,000 gallons and commercial businesses pay a flat rate of $2.10 per thousand gallons. Councilmember Castleberry said basically the base rate is $2.00 and the City will pay thirty-three cents to Del City and Ms. Walker said the thirty-three cents buys raw water and the City charges customers for potable water. Councilmember Castleberry asked the cost for treating raw water and Mr. Komiske said costs depend on an economy of scale and ranges from $1.20 to $1.50.

Councilmember Gallagher asked if Norman had to purchase a minimum amount of water and Ms. Walker said no. He asked Del City's growth rate where they might approach their allocation needs and Ms. Walker said she did not know, but she did not believe they have a lot of room to grow.

Councilmember Kovach said since OKC cannot tap into the Atoka Pipeline yet, will that affect Norman's ability to obtain the 2% water per their agreement with OKC and Mr. Komiske said that is a possibility. He said the 2% comes into play during Norman's peak usage and is purchased on an emergency basis so if it is available OKC is happy to sell it to Norman. Mayor Rosenthal asked what the last communication was from OKC on the availability of emergency water this summer and Mr. Komiske said it depends on OKC's demand. If demand is

Item 2, continued:

high and they do not have water available, they will not sell to Norman. Councilmember Kovach said based on the fact that OKC will not sell Norman water from the Atoka pipeline, Council can assume OKC may not have the 2% available and that is something Council should discuss and plan for.

Councilmember Kovach asked if Midwest City is interested in selling their unused allocated water to Norman and Mr. Steve Lewis, City Manager, said Del City has been the primary City willing to sell their water.

Councilmember Castleberry asked if the City has anywhere to store water other than Lake Thunderbird and Mr. Komiske said no. Mayor Rosenthal said part of the Strategic Water Supply Plan update includes looking at alternative storage.

Mayor Rosenthal said she is pleased a contract has been negotiated and wants to place the item on an agenda as soon as possible.

Items submitted for the record

1. Memorandum dated February 14, 2013, from Kathryn L. Walker, Assistant City Attorney, through Jeff H. Bryant, City Attorney, to Honorable Mayor and Councilmembers
2. Letter dated February 8, 2013, from Randy Worden, General Manager, Central Oklahoma Master Conservancy District, to Steven D. Lewis, City Manager
3. Agreement for Purchase of Surplus Municipal Water

Participants in discussion

1. Mr. Ken Komiske, Director of Utilities
2. Ms. Kathryn Walker, Assistant City Attorney

Item 3, being:

FOLLOW-UP DISCUSSION REGARDING THE CURBSIDE RECYCLING PROGRAM.

Mr. Bryant said at the February 5, 2013, Study Session regarding recycling, Councilmember Kovach expressed concern that a change in service from weekly to bi-weekly would require an election since voters approved weekly curbside recycling. He said the ballot language used to approve the curbside recycling measure imposed a mandatory $3.00 assessment to all residential customers and after reviewing that language and constitutional provisions for the State of Oklahoma, it is Staff's legal opinion that changing the frequency of collection does not require voter approval. He said a Charter provision allows voters to weigh in on a change in rates, but the rates will not change, only the frequency of collection. Mayor Rosenthal asked Mr. Bryant to elaborate on the legal opinion for the public in attendance because he cited a number of prior instances where there was a change of service without an election and the opinion draws a clear distinction between voters' approval of a tax versus an Enterprise Fund.

Mr. Bryant said the provision most often quoted regarding an initiative, referendum, or ballot language requiring usage in accordance to language in the ballot is the section of the Constitution that deals with imposition of a tax. That section clearly states that any tax imposed will be used only for the purposes for which it is imposed and although that section is quoted most often for imposition of a tax it does not apply to this situation. He said this situation is imposition of a rate. The Constitution also states that municipalities are given the right to operate and administer utilities so there is more latitude for a municipality to operate a public utility as a business. He said under the Oklahoma Constitution, public utilities are normally allowed to set their rates without voter approval; however, Norman changed the Charter in 1975 and has to get voter approval for a utility rate increase. He said that makes it a little more challenging to operate a utility in Norman so while Norman cannot adjust the rate, they

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: O-1213-38

File ID:	O-1213-38	**Type:**	Ordinance	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 34	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	02/14/2013
File Name:	Lighting Ordinance			**Final Action:**	

Title: CONSIDERATION OF ORDINANCE NO. O-1213-38 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE XII, SECTION 431.6, AND ARTICLE XIV, SECTION 450(51) OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN TO MODIFY THE COMMERCIAL OUTDOOR LIGHTING STANDARDS ORDINANCE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Notes: ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-38 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-38 upon Final Readnig as a whole.

ACTION TAKEN: _____

Agenda Date: 03/26/2013

Agenda Number: 34

Attachments: Text File O-1213-38, O-1213-38 Clean Copy, O-1213-38 Annotated, Staff Report O-1213-38, Oversight Committee Feb 13 Minutes, 3-14-13 PC Minutes - O-1213-38

Project Manager: Susan Connors, Director of Planning and Community Devel

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	03/12/2013	Introduced and adopted on First Reading by title only				Pass

Action Text: That this Ordinance be Introduced and adopted on First Reading by title only. by consent roll call

1	Planning Commission	03/14/2013	Recommended for Adoption at a subsequent City Council Meeting	City Council	03/26/2013	Fail

Action Text: A motion was made by Commissioner McCarty, seconded by Commissioner Gasaway, that this Ordinance be Recommended for Adoption at a subsequent City Council Meeting to the City Council , due back on 3/26/2013. The motion failed by the following vote: 3-3.

Text of Legislative File O-1213-38

Body

BACKGROUND: The Commercial Outdoor Lighting Standards were adopted in the Zoning Ordinance in June, 2011. In December, 2012 the City Council Oversight Committee began a discussion regarding possible amendment of the Commercial Outdoor Lighting Ordinance. Discussions continued at meetings held by the Oversight Committee on January 9 and February 13, 2013. At the February 13, 2013 meeting, three different drafts of proposed amendments were reviewed. One of those drafts that appeared to reach consensus with some changes discussed at the meeting has been finalized and is coming forward for full City Council consideration.

DISCUSSION: The existing Commercial Outdoor Lighting Standards are proposed to be amended with the following changes. First, the compliance tables have been removed in favor of language that simplifies, but preserves, their content. The Ordinance now requires corrective action when a Code Enforcement or Police Officer finds evidence of glare or light spillover onto adjacent single or two family properties. Corrective action includes shielding; re-aiming, or replacement of a fixture with a full cut-off fixture.

The second change allows, in instances of the expansion of the development, for pole height to correspond with the height of existing light poles. In this way, businesses are able to ensure a consistent, uniform look.

The third change removes lumen caps requirements from the ordinance. Because the ordinance retains the requirement for full cut-off fixtures, and such fixtures are the best means of directing light onto the subject property only, the Committee was able to compromise on removing the lumen caps at the request of the Chamber of Commerce and other local businesses and still ensure that adjacent single or two family properties were protected from light spillover. Modifications were made in several sections of the existing ordinance to effectuate the removal of all lumen caps from the ordinance, but the most significant change is removal of section 5(f).

The fourth change amends the photometric plan requirements. Previously photometric plans were required for all new outdoor commercial lighting projects. The proposed amendments, in response to concerns about cost from the business community, now only requires photometric plans when the property to be lit is adjacent to property zoned or used for single or two family residential purposes. In addition, for all other developments, photometric plans are optional, and, if a property owner chooses to submit one, it creates a legal presumption that the subject property is in compliance with the lighting ordinance. In addition, photometric plans may now be prepared by electrical contractors as well as by engineers and representatives of the lighting industry. By proposing to amend the ordinance in this way, the Oversight Committee recognized the need to balance the interests of the business community and potentially affected residential neighbors.

Lastly, the definition of glare has been amended to read as follows: "the sensation produced by luminance directed or reflected within the visual field that is sufficiently greater than the luminance to which the eyes are adapted which causes annoyance, discomfort, or loss in visual performance and visibility to a reasonable person."

In addition the above changes discussed by the Committee, the proposed amendments include one more category of exempt lighting that is proposed by Planning Staff. The new category of exempted lighting is: luminaires that are used exclusively to provide emergency power illumination at exit discharge locations that operate only from an emergency power source in the event of a normal power failure. This new category allows businesses to direct customers to exits in the event of a power failure.

The ordinance is to be considered by City Council on First Reading on March 12, 2013 and on Second Reading

on March 26, 2013. The Planning Commission will hold a public hearing on the proposed changes, as required by Chapter 22 of the Code of Ordinances of the City of Norman, on March 14, 2013. This sequence is not the City of Norman's standard practice, but the Oversight Committee has directed Staff to move these amendments forward in the timeliest manner possible. As a result, the minutes from the Planning Commission hearing will be included with this item on City Council's March 26th Agenda, but are not included with this First Reading agenda item.

STAFF RECOMMENDATION: If City Council wants to amend the Outdoor Commercial Lighting Standards to incorporate the above changes, then the consensus Oversight Committee draft is being presented for consideration for that purpose. Staff recommends adoption of Ordinance O-1213-38.

At their March 14, 2013 meeting, the Planning Commission, by a vote of 3-3, made no recommendation on Ordinance No. O-1213-38.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE XII, SECTION 431.6, AND ARTICLE XIV, SECTION 450(51) OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN TO MODIFY COMMERCIAL OUTDOOR LIGHTING STANDARDS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. That Section 431.6 of Article XII of Chapter 22 of the Code of the City of Norman shall be and is hereby amended as follows:

* * * * *

SEC. 431.6 -- COMMERCIAL OUTDOOR LIGHTING STANDARDS

1. Purpose and Intent. It is the intent of this Section to define practical and effective measures by which the obtrusive aspects of commercial outdoor light usage can be minimized, while preserving safety, security, and the nighttime use and enjoyment of property. These measures are intended to reduce light spillover, minimize glare, and decrease resource waste.

2. Conformance with Applicable Codes. All new commercial outdoor lighting shall be installed in conformance with the provisions of this Ordinance, as well as the currently adopted versions of the Building Code, the Electrical Code, and the Sign Code of the City of Norman as applicable and under appropriate permit and inspection, whichever is the more restrictive.

3. Applicability.

(a) Building Construction. For all public or private commercial, industrial, institutional, and multi-family land uses, developments, buildings, and structures that require a permit subsequent to the effective date of this Section (July 22, 2011), all new outdoor lighting fixtures shall meet the requirements of this Section of the Code.

(b) These lighting regulations do not apply to properties zoned or used for single-family or two-family dwellings.

(c) Exempt Lighting. The following luminaires and lighting systems are exempt from these requirements:

(1) Internally illuminated signs.
(2) Temporary lighting for theatrical, television, and performance areas.
(3) Lighting for non-commercial public or private athletic fields and recreational facilities, although any such lighting should be mounted, aimed, and shielded so that lighting primarily falls within the boundaries of such athletic fields and recreational facilities and lights are extinguished when not in use.
(4) Lighting in swimming pools and other water features governed by the most recently adopted National Electrical Code.
(5) Lighting for police, fire, and other emergency services, or required by any state or federal agency, such as the FAA.
(6) Interior lighting.
(7) Temporary holiday lighting.
(8) Low-voltage landscape lighting.

(9) Exterior lights that are mounted within interior courtyards or other areas of the building that are not visible from any abutting residential property.
(10) Decorative and architectural lighting of bridges, public monuments, or public art, although all luminaires should be installed to minimize glare and be shielded such that no glare is visible from any abutting property.
(11) New street lights installed within public rights-of-way.
(12) New lighting to be placed on historic properties such that it is important that the new lighting be in harmony with the period lighting of the property.
(13) Luminaires that are used exclusively to provide emergency power illumination at exit discharge locations that operate only from an emergency power source in the event of a normal power failure.

(d) Prohibited Lighting. The following luminaires and lighting systems may not be used or installed within the City of Norman:
(1) The use of laser source light or any similar high-intensity light for outdoor advertising or entertainment.
(2) The operation of searchlights for advertising purposes.

4. Compliance.
(a) Whenever a complaint about lighting is received, it shall be investigated to determine if corrective action is warranted Corrective action is warranted when a Code Enforcement or Police Officer finds evidence of glare; light spillover onto an adjacent single or two-family property; or a visible bulb from an adjacent single or two-family property. Corrective action includes: shielding, re-aiming, or replacement of a fixture with a full cut-off fixture.

(b) A one-time hardship extension may be administratively granted for up to 180 days, but the applicant must agree in writing to comply with this section of the Code and submit a plan for compliance.

(c) If the administrative exception is denied, that decision may be appealed to the Board of Adjustment, who may grant the extension as a Special Exception.

(d) An additional one year extension above the six month administrative extension may be granted as a Special Exception by the Board of Adjustment provided (a) lights within twenty-five feet of any residential boundary have been modified to comply with this section, and (b) the extent of the renovation is large enough to require additional time based on the difficulty in finding compatible lights or the cost of the retrofit must be amortized over a longer timeframe. Property owners may re-apply to the Board for an additional one year extension, provided that a specific plan of compliance has been provided to the Board demonstrating extreme hardship.

5. General Outdoor Lighting Standards.
(a) Fixture Standards.
(1) Except as otherwise provided, all new nonexempt outdoor lighting fixtures shall be full cut-off fixtures mounted horizontally to the ground that prevent excessive light from going upward; outdoor luminous tube lighting does not require shielding.
(2) Ordinary maintenance of existing fixtures, including replacement of lamps, is specifically allowed. If existing fixtures are removed in order to upgrade, redesign,

or reconfigure the lighting design on the property, then such fixtures must conform to the requirements of this section.

(b) Pole Mounted Lights.
(1) The maximum light level at any point on an abutting residential property line shall not exceed 0.2 footcandles.
(2) Shielding must be permanently installed to ensure continued compliance with this requirement.
(3) Parking lots should be illuminated to a minimum level of 0.2 footcandles.
(4) Light poles installed within twenty-five (25) feet of any residential property line or public right-of-way may not exceed twenty (20) feet in height. All other light poles may not exceed thirty (30) feet in height except in instances of the expansion of a development, pole height may correspond with the height of existing poles. Height is measured to the underside of the lens, and includes any concrete base.

(c) Lights Mounted to Walls of Buildings or Structures.
(1) All wall mounted lighting on buildings or structures shall be full cut-off fixtures.
(2) When such new lights are installed on a wall, the lights may not exceed a mounting height above the roof line of the building or structure.
(3) New lights mounted on the underside of any roof overhang shall be fully recessed so that the lens cover is flush with the bottom surface of the overhang.

(d) Accent Lighting.
(1) Except as allowed under 5(d)(2) below, new fixtures used for accent lighting shall be full cut-off, or directionally shielded lighting fixtures that are aimed and controlled so that the directed light is substantially confined to the object intended to be illuminated. All such lights shall be aimed and shielded to prevent excessive light from going upward.
(2) Fixture types may include floodlights, wall sconces, lanterns, recessed can lights, architectural or decorative lights, or any other fixture that meets the intent of this section. Decorative architectural wall mounted fixtures are not required to be cut-off, semi cut-off, or full cut-off fixtures, so long as such fixtures do not result in any glare as later defined or light spillover onto any abutting residential property greater than 0.2 footcandles when the property is zoned or used as single- or two-family residential.
(3) Lighting required for the night-time display of the American flag may be of any type or intensity, but if directed up towards the flag, the light fixtures shall be installed to minimize glare and shielded such that the light source is not visible from any abutting single-family or two-family property.

(e) Canopy Lighting. New lighting under canopies shall be adequate to facilitate the activities taking place in such locations (a minimum of 0.2 footcandles). Any facility utilizing a drive-through area such as banks, service stations, convenience stores, car washes, etc., shall comply with the following requirements:
(1) New light fixtures mounted in canopies or soffits for drive-through locations shall be installed so that the bulb is fully recessed and the lens is flush with the bottom surface of the canopy, soffit, or overhang.
(2) Fuel dispensing locations shall be illuminated so that the minimum lighting level is at least ten (10) lumens per square foot of the canopy area.

(3) Automated Teller Machines (ATMs) shall be illuminated so that the minimum lighting level is at least five (5) lumens per square foot measured within a ten foot radius of the ATM.

6. Lighting Plan Requirements.

(a) Site Plan Required. All applications for building permits subject to this Section which involve the installation of new outdoor lighting shall include an accurate site plan of the proposed development indicating the location of property lines, and all existing and proposed land improvements, including but not limited to buildings, parking lots, aisles and driveways, streets, sidewalks and walkways, landscaped areas, and accessory structures and the location and type of all exterior lighting fixtures.

(b) In addition to the requirements in 6 (a) above, all applications for building permits subject to this section which exceed 7,500 square feet of new construction in an Office category, or 5,000 square feet of new construction for all other categories of use within this section, and involve the installation of new outdoor lighting shall include the following information:

(1) A photometric plan, prepared by a professional engineer, electricial contractor, or representative of the lighting industry, at a scale no smaller than one inch equals sixty (60) feet when the subject property is adjacent to property zoned or used for single or two family dwellings. When such a plan is submitted, it shall be accompanied by a written opinion from a professional engineer, electrical contractor, or representative of the lighting industry that the lighting plan complies with the standards of this section.

(2) The estimated footcandles at ten feet beyond all property boundaries that abut single or two family residential zones or uses;

(3) To the extent that such information is readily available from the supplier of each light source, a table indicating the type, light source, wattage, initial output in lumens, light loss ratio, height of luminaires above grade, and the maximum to minimum ratio.

(4) To the extent that such information is readily available from the supplier of each light source, manufacturer's catalogue specifications of all luminaires to be used, indicating the design, refractor (lens) type, cut-off angle (cut-off, semi cut-off or full cut-off), and any special features affecting the performance of the light.

(5) An applicant may submit a photometric plan, prepared by a professional engineer, electrical contractor, or representative of the lighting industry, at a scale no smaller than one inch equals (60) feet that demonstrates compliance with this ordinance. If such a plan is submitted, it shall create a legal presumption that the subject property is in compliance with this ordinance.

(c) Additional Submission Requirements. The above required plans, descriptions and data shall be sufficiently complete to enable the designated official to readily determine whether compliance with the requirements of this Section will be met. If such plans, descriptions and data are not reasonably sufficient, the applicant shall submit such additional evidence as reasonably requested by the City of Norman.

(d) Lamp or Fixture Substitution. After any permit has been issued, manufacturer's specifications showing the substitute is equivalent to the approved fixture must be submitted to the City before any new outdoor light fixture or the type of light source therein is changed, together with adequate information to assure compliance with this Section.

(e) Certification of Installation. For projects using 200,000 lumens or more a registered professional engineer shall certify in writing to the City that all lighting was installed in accordance with the approved plans.

* * * * *

§ 2. That Section 450(51) of Article XIV of Chapter 22 of the Code of the City of Norman shall be and is hereby amended as follows:

(51) GLARE. The sensation produced by luminance directed or reflected within the visual field that is sufficiently greater than the luminance to which the eyes are adapted which causes annoyance, discomfort, or loss in visual performance and visibility to a reasonable person. (O-1011-44)

* * * * *

§ 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, except that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this _____ day

of _____, 2013.

_____
Cindy Rosenthal, Mayor

ATTEST:

_____
Brenda Hall, City Clerk

NOT ADOPTED this _____ day

of _____, 2013.

_____
Cindy Rosenthal, Mayor

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE XII, SECTION 431.6 AND ARTICLE XIV, SECTION 450(51) OF THE CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN TO MODIFY THE COMMERCIAL OUTDOOR LIGHTING STANDARD; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. That Section 431.6 of Article XII of Chapter 22 of the Code of the City of Norman shall be and is hereby amended as follows:

* * * * *

SEC. 431.6 -- COMMERCIAL OUTDOOR LIGHTING STANDARDS

1.Purpose and Intent. It is the intent of this Section to define practical and effective measures by which the obtrusive aspects of commercial outdoor light usage can be minimized, while preserving safety, security, and the nighttime use and enjoyment of property. These measures are intended to reduce light spillover, minimize glare, and decrease resource waste.

2. Conformance with Applicable Codes. All new commercial outdoor lighting shall be installed in conformance with the provisions of this Ordinance, as well as the currently adopted versions of the Building Code, the Electrical Code, and the Sign Code of the City of Norman as applicable and under appropriate permit and inspection, whichever is the more restrictive.

3. Applicability.

(a) Building Construction. For all public or private commercial, industrial, institutional, and multi-family land uses, developments, buildings, and structures that require a permit subsequent to the effective date of this Section (July 22, 2011), all new outdoor lighting fixtures shall meet the requirements of this Section of the Code.

(b) These lighting regulations do not apply to properties zoned or used for single-family or two-family dwellings.

(c) Exempt Lighting. The following luminaires and lighting systems are exempt from these requirements:
  (1) Internally illuminated signs.
  (2) Temporary lighting for theatrical, television, and performance areas.
  (3) Lighting for non-commercial public or private athletic fields and recreational facilities, although any such lighting should be mounted, aimed, and shielded so that lighting primarily falls within the boundaries of such athletic fields and recreational facilities and lights are extinguished when not in use.
  (4) Lighting in swimming pools and other water features governed by the most recently adopted National Electrical Code.

(5) Lighting for police, fire, and other emergency services, or required by any state or federal agency, such as the FAA.
(6) Interior lighting.
(7) Temporary holiday lighting.
(8) Low-voltage landscape lighting.
(9) Exterior lights that are mounted within interior courtyards or other areas of the building that are not visible from any abutting residential property.
(10) Decorative and architectural lighting of bridges, public monuments, or public art, although all luminaires should be installed to minimize glare and be shielded such that no glare is visible from any abutting property.
(11) New street lights installed within public rights-of-way.
(12) New lighting to be placed on historic properties such that it is important that the new lighting be in harmony with the period lighting of the property.
(13) Luminaires that are used exclusively to provide emergency power illumination at exit discharge locations that operate only from an emergency power source in the event of a normal power failure.

(d) Prohibited Lighting. The following luminaires and lighting systems may not be used or installed within the City of Norman:
(1) The use of laser source light or any similar high-intensity light for outdoor advertising or entertainment.
(2) The operation of searchlights for advertising purposes.

4. Compliance.

(a) Whenever a complaint about ~~existing~~ lighting is received, it shall be investigated to determine if corrective action is warranted ~~in accordance with the standards and requirements listed in Tables 1 and 2 of this section of the Code~~. Corrective action is warranted when a Code Enforcement or Police Officer finds evidence of glare; light spillover onto an adjacent single or two-family property; or a visible bulb from an adjacent single or two-family property. Corrective action includes: shielding, re-aiming, or replacement of a fixture with a full cut-off fixture.

(b) A one-time hardship extension may be administratively granted for up to 180 days, but the applicant must agree in writing to comply with this section of the Code and submit a plan for compliance.

(c) If the administrative exception is denied, that decision may be appealed to the Board of Adjustment, who may grant the extension as a Special Exception.

(d) An additional one year extension above the six month administrative extension may be granted as a Special Exception by the Board of Adjustment provided (a) lights within twenty-five feet of any residential boundary have been modified to comply with this section, and (b) the extent of the renovation is large enough to require additional time based on the difficulty in finding compatible lights or the cost of the retrofit must be amortized over a longer timeframe. Property owners may re-apply to the Board for an additional one year extension, provided that a specific plan of compliance has been provided to the Board demonstrating extreme hardship.

~~TABLE 1~~
~~POLE MOUNTED LIGHTS~~

~~Criteria~~	~~Trigger(s)~~	~~Compliance~~	~~Amortization Period~~
~~Commercial, Industrial, Institutional, or Multi-Family Property adjacent or across an alley from property which is zoned or used as a single or two-family dwelling.~~	• ~~Complaint of light spillover, and evidence that bulb is visible from a residential property boundary, OR~~ • ~~Replacement of luminaire~~	• ~~Install shield, AND/OR~~ • ~~Re-aim to minimize glare, OR~~ • ~~Replace with full cut-off luminaire~~	~~180 days after notification~~
~~Commercial, Industrial, Institutional, or Multi-Family Property within 350 feet of property which is zoned or used as a single or two-family dwelling.~~	• ~~Complaint of light spillover, and evidence that bulb is visible from a residential property boundary, OR~~ • ~~Major remodel of parking area where sixty percent of lights are replaced.~~	• ~~Install shield, AND/OR~~ • ~~Re-aim to minimize glare, OR~~ • ~~Replace with full cut-off luminaire~~	~~180 days after notification, OR at the time a CO is issued for remodel~~
~~All other complaints regarding Commercial, Industrial, Institutional, or Multi-Family outdoor lighting~~	• ~~Complaint of light spillover, and evidence that bulb is visible at the property boundary and, after inspection by staff**, evidence of glare as defined by this Ordinance, OR~~ • ~~Replacement of luminaire, OR~~ • ~~Major remodel of parking area where sixty percent of lights are replaced.~~	• ~~Install shield, AND/OR~~ • ~~Re-aim to minimize glare, OR~~ • ~~Replace with full cut-off luminaire~~	~~180 days after notification, OR at the time a CO is issued for remodel~~

~~**Complaints of glare that interfere with a driver's visual performance may be reviewed by the Police Department.~~

TABLE 2
WALL PACKS

Criteria	Trigger	Compliance	Amortization Period
Commercial, Industrial, Institutional, or Multi-Family Property adjacent or across an alley from property which is zoned or used as a single or two-family dwelling.	• Complaint of light spillover, and evidence that bulb is visible from residential property boundary, OR • Replacement of luminaire	• Install shield, OR • Replace with full cut-off luminaire	180 days after notification
Commercial, Industrial, Institutional, or Multi-Family Property within 150 feet of property which is zoned or used as a single or two-family dwelling.	• Complaint of light spillover, and evidence that bulb is visible from residential property boundary, OR • Replacement of luminaire, OR • Building expansion exceeding 1500 square feet.	• Install shield, OR • Replace with full cut-off luminaire	180 days after notification, OR at the time a CO is issued for the expansion
Commercial, Industrial, Institutional, or Multi-Family Property within 350 feet of property which is zoned or used as a single or two-family dwelling.	• Complaint of light spillover, and evidence that bulb is visible from residential property boundary, OR • Replacement of luminaire, OR • Building expansion exceeding 5000 square feet.	• Install shield, OR • Replace with full cut-off luminaire	180 days after notification, OR at the time a CO is issued for expansion
All other complaints regarding Commercial, Industrial, Institutional, or Multi-Family outdoor lighting	• Complaint of light spillover, and evidence that bulb is visible at the property boundary and, after inspection by staff**, evidence of glare as defined by this Ordinance, OR • Replacement of luminaire, OR • Building expansion exceeding 5000 square feet.	• Install shield, AND/OR • Replace with full cut-off luminaire	180 days after notification, OR at the time a CO is issued for expansion

**Complaints of glare that interfere with a driver's visual performance may be reviewed by the Police Department.

5. General Outdoor Lighting Standards.

(a) Fixture Standards.

(1) Except as otherwise provided, all new nonexempt outdoor lighting fixtures shall be full cut-off fixtures mounted horizontally to the ground that prevent excessive light from going upward; outdoor luminous tube lighting does not require shielding ~~but total output from all lighting is subject to the limits set forth in Section 5(f)~~.

(2) Ordinary maintenance of existing fixtures, including replacement of lamps, is specifically allowed ~~provided the new lamps are not increased in lumens~~. If existing fixtures are removed in order to upgrade, redesign, or reconfigure the lighting design on the property, then such fixtures must conform to the requirements of this section.

(b) Pole Mounted Lights.

(1) The maximum light level at any point on an abutting residential property line shall not exceed 0.2 footcandles. ~~When the abutting property is non-residential or public right-of-way, the maximum light level at any point ten feet beyond the property boundary shall not exceed 0.2 footcandles.~~

(2) Shielding must be permanently installed to ensure continued compliance with this requirement.

(3) Parking lots should be illuminated to a minimum level of 0.2 footcandles~~, with a uniformity ratio of 20/1 or less~~.

(4) Light poles installed within twenty-five (25) feet of any residential property line or public right-of-way may not exceed twenty (20) feet in height. All other light poles–may not exceed thirty (30) feet in height except in instances of the expansion of a development, pole height may correspond with the height of existing poles. Height is measured to the underside of the lens, and includes any concrete base.

(c) Lights Mounted to Walls of Buildings or Structures.

(1) All wall mounted lighting on buildings or structures shall be full cut-off fixtures.

(2) When such new lights are installed on a wall, the lights may not exceed a mounting height above the roof line of the building or structure.

(3) New lights mounted on the underside of any roof overhang shall be fully recessed so that the lens cover is flush with the bottom surface of the overhang.

(d) Accent Lighting.

(1) Except as allowed under 5(d)(2) below, new fixtures used for accent lighting shall be full cut-off, or directionally shielded lighting fixtures that are aimed and controlled so that the directed light is substantially confined to the object intended to be illuminated. All such lights shall be aimed and shielded to prevent excessive light from going upward.

(2) Fixture types may include floodlights, wall sconces, lanterns, recessed can lights, architectural or decorative lights, or any other fixture that meets the intent of this section. Decorative architectural wall mounted fixtures are not required to be cut-off, semi cut-off, or full cut-off fixtures, so long as such fixtures do not result in

any glare as later defined or light spillover onto any abutting residential property greater than 0.2 footcandles when the property is zoned or used as single- or two-family residential.

~~(3) The maximum illumination of any vertical surface or angular roof surface shall not exceed 2.0 lumens per square foot of building façade on the side that is illuminated.~~

~~(4)~~ (3) Lighting required for the night-time display of the American flag may be of any type or intensity, but if directed up towards the flag, the light fixtures shall be installed to minimize glare and shielded such that the light source is not visible from any abutting single-family or two-family property.

(e) Canopy Lighting. New lighting under canopies shall be adequate to facilitate the activities taking place in such locations (a minimum of 0.2 footcandles). Any facility utilizing a drive-through area such as banks, service stations, convenience stores, car washes, etc., shall comply with the following requirements:

(1) New light fixtures mounted in canopies or soffits for drive-through locations shall be installed so that the bulb is fully recessed and the lens is flush with the bottom surface of the canopy, soffit, or overhang.

(2) Fuel dispensing locations shall be illuminated so that the minimum lighting level is at least ten (10) lumens per square foot ~~but no more than sixty (60) lumens per square foot~~ of the canopy area.

(3) Automated Teller Machines (ATMs) shall be illuminated so that the minimum lighting level is at least five (5) lumens per square foot~~, but not more than sixty (60) lumens per square foot,~~ measured within a ten foot radius of the ATM.

~~(f) Total Outdoor Light Output. The total amount of light output on the entire property, measured in initial rated lamp lumens, from all new lamps used in outdoor light fixtures, including all new lights and luminous tubes and new lights used for external illumination of signs, but not including lights used to illuminate internally illuminated signs, luminous tubes used in neon signs, or temporary seasonal lighting from typical low-output lamps, shall not exceed the following limits:~~

~~(1) Four (4) lumens per square foot of hardscape area (paved areas not including any building footprint area), plus,~~

~~(2) Five thousand (5000) lumens per each three-foot building entrance or exit, plus,~~

~~(3) Outdoor Sales Areas: 12 lumens per square foot, plus,~~

~~(4) Drive-up windows: 6,000 lumens per drive-up window, plus,~~

~~(5) Service Stations: 12,000 lumens per pump~~

6. ~~Photometric~~ Lighting Plan Requirements.

(a) Site Plan Required. All applications for building permits subject to this Section which involve the installation of new outdoor lighting shall include an accurate site plan of the proposed development indicating the location of property lines, and all existing and proposed land improvements, including but not limited to buildings, parking lots, aisles and driveways, streets, sidewalks and walkways, landscaped areas, and accessory structures and the location and type of all exterior lighting fixtures.

(b) In addition to the requirements in 6 (a) above, all applications for building permits subject to this section which exceed 7,500 square feet of new construction in an Office category, or 5,000 square feet of new construction for all other categories of use within this section, and involve the installation of new outdoor lighting shall include the following information:

(1) A photometric plan, prepared by a professional engineer, electricial contractor, or representative of the lighting industry, at a scale no smaller than one inch equals sixty (60) feet when the subject property is adjacent to property zoned or used for single or two family dwellings. When such a plan is submitted, it shall be accompanied by a written opinion from a professional engineer, electrical contractor, or representative of the lighting industry that the lighting plan complies with the standards of this section.

(2) The estimated footcandles ~~at ground level across the entire site including all property boundaries, at minimum intervals of ten feet, plus the estimated footcandles~~ at ten feet beyond all property boundaries that abut single or two family residential zones or uses;

(3) To the extent that such information is readily available from the supplier of each light source, a table indicating the type, light source, wattage, initial output in lumens, light loss ratio, height of luminaires above grade, and the maximum to minimum ratio. ~~The maximum to minimum ratio shall be calculated using all of the on-premise data point sources; and~~

~~(4) A written opinion by a professional engineer or representative of the lighting industry that the lighting plan complies with the standards of this section.~~

~~(5)~~ (4) To the extent that such information is readily available from the supplier of each light source, manufacturer's catalogue specifications of all luminaires to be used, indicating the design, refractor (lens) type, cut-off angle (cut-off, semi cut-off or full cut-off), and any special features affecting the performance of the light.

(5) An applicant may submit a photometric plan, prepared by a professional engineer, electrical contractor, or representative of the lighting industry, at a scale no smaller than one inch equals (60) feet that demonstrates compliance with this ordinance. If such a plan is submitted, it shall create a legal presumption that the subject property is in compliance with this ordinance.

(c) Additional Submission Requirements. The above required plans, descriptions and data shall be sufficiently complete to enable the designated official to readily determine whether compliance with the requirements of this Section will be met. If such plans, descriptions and data are not reasonably sufficient, the applicant shall submit such additional evidence as reasonably requested by the City of Norman.

(d) Lamp or Fixture Substitution. After any permit has been issued, manufacturer's specifications showing the substitute is equivalent to the approved fixture must be submitted to the City before any new outdoor light fixture or the type of light source therein is changed, together with adequate information to assure compliance with this Section.

(e) Certification of Installation. For projects using 200,000 lumens or more a registered professional engineer shall certify in writing to the City that all lighting was installed in accordance with the approved plans.

* * * * *

§ 2. That Section 450(51) of Article XIV of Chapter 22 of the Code of the City of Norman shall be and is hereby amended as follows:

(51) GLARE. The sensation produced by luminance directed or reflected within the visual field that is sufficiently greater than the luminance to which the eyes are adapted which causes annoyance, discomfort, or loss in visual performance and visibility to a reasonable person. (O-1011-44)

§ 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, except that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this _____ day

of _____, 2013.

_____
Cindy Rosenthal, Mayor

NOT ADOPTED this _____ day

of _____, 2013.

_____
Cindy Rosenthal, Mayor

ATTEST:

_____
Brenda Hall, City Clerk

ORDINANCE NO. O-1213-38 ITEM NO. 10

STAFF REPORT

ITEM: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING SECTION 431.6, COMMERCIAL OUTDOOR LIGHTING STANDARDS OF CHAPTER 22 (ZONING ORDINANCE) OF THE CODE OF THE CITY OF NORMAN; AMENDING SECTION 450 (51) TO AMEND THE DEFINITION OF GLARE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

BACKGROUND:
In December, 2012 the City Council Oversight Committee began a discussion regarding amending the Commercial Outdoor Lighting Standards in the Zoning Ordinance. The current standards were adopted in June, 2011. Several draft ordinances were presented to the Committee for discussion and review.

DISCUSSION:
The topics that were discussed included:

1. The Photometric Plan
2. Raising the lumen cap
3. Spillover on right-of-way and points of entrance
4. Glare, invisible bulbs and reflective light
5. Commercial on commercial
6. OG&E payment plan

These items were discussed at the January, 2013 and the February, 2013 meetings, and staff prepared several draft ordinances for discussion.

The draft Ordinance attached for the Planning Commission's consideration represents a compromise agreed to by the Committee and other interested parties who participated in the discussion.

The amended Commercial Outdoor Lighting Standards still have a list of exempt lighting; there is the same list of prohibited lighting; and all new nonexempt outdoor lighting fixtures must be full cut-off fixtures mounted horizontally to the ground.

The primary changes from the current ordinance are the following:

1. The compliance tables have been removed and replaced with language that specifies corrective action.
2. Section 5 has been modified to take out all references to total light output and lumen limitations and specifically Section 5(f) is deleted.
3. The maximum light level restriction of 0.2 footcandles is only required at any point on an abutting residential property line.
4. The language regarding pole heights remains the same except when a business is expanding the new light poles can be the same height as those existing.

5. The photometric plan is no longer required but may be submitted. If submitted, it shall create a legal presumption that the subject property is in compliance with the ordinance.

STAFF RECOMMENDATION:

Staff recommends approval of the attached Ordinance amendments.

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

MARCH 14, 2013

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 14th day of March 2013. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions at least twenty-four hours prior to the beginning of the meeting.

Chairman Chris Lewis called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:
ROLL CALL

MEMBERS PRESENT	Curtis McCarty Jim Gasaway Roberta Pailes Sandy Bahan Tom Knotts Chris Lewis
MEMBERS ABSENT	Andy Sherrer Cindy Gordon Dave Boeck

A quorum was present.

STAFF MEMBERS PRESENT	Susan Connors, Director, Planning & Community Development Jane Hudson, Principal Planner Janay Greenlee, Planner II Ken Danner, Subdivision Development Manager Roné Tromble, Recording Secretary Leah Messner, Asst. City Attorney Larry Knapp, GIS Analyst II Terry Floyd, Development Coordinator

* * *

Item No. 10, being:
ORDINANCE NO. O-1213-38 – AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING SECTION 431.6, COMMERCIAL OUTDOOR LIGHTING STANDARDS OF CHAPTER 22 (ZONING ORDINANCE) OF THE CODE OF THE CITY OF NORMAN; AMENDING SECTION 450(51) TO AMEND THE DEFINITION OF GLARE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ITEMS SUBMITTED FOR THE RECORD:
1. Staff Report
2. Annotated Ordinance

PRESENTATION BY STAFF:
1. Susan Connors – This is a request to amend the existing Commercial Outdoor Lighting Standards that were adopted in June of 2011. In December of last year the City Council Oversight Committee took up this discussion once again and looked at various options to amend the Commercial Outdoor Lighting Standards in the Zoning Ordinance. They discussed several draft ordinances through several committee meetings. The topics that were discussed included the photometric plan that is currently required, raising the lumen cap that exists in the current ordinance, spillover on right-of-way and points of entrance at commercial developments, the glare issue that had been discussed at length in the previous ordinance, and commercial-on-commercial properties and how lighting should affect those, and then we also discussed the OG&E payment plan that has been a concern because OG&E currently cannot provide lighting for commercial buildings in accordance with the standards. The primary changes from the standards currently in the Zoning Ordinance and the ordinance before you this evening is that the compliance tables have been removed and replaced with language that specifies corrective actions, so we took two pages of tables and we've really been able to reduce that down to about a paragraph of text that really handles the issues the same way – gives corrective action and ways to come into compliance. Section 5 has been modified to take out all the references to total light output and lumen limitations and specifically section 5(f) is deleted in this ordinance. The maximum light level restriction of 2 footcandles is only required at any point on an abutting residential property line, so where commercial abuts residential that is still a requirement to have .2 footcandles. The language regarding pole heights remains the same, except when a business is expanding and the new light poles installed can be the same height as those existing. The photometric plan is no longer required, but may be submitted and, if it is submitted, it is a legal presumption that the property is in compliance with the ordinance. Those are the primary changes that we have. I'd be happy to answer any questions.

2. Mr. McCarty – If this was approved tonight, what would happen with all the current projects that are permitted under the old ordinance? Would they now become compliant with this? Ms. Connors – They are certainly compliant with this. Those that were permitted should stay the same; there's no reason for them to rip out things. If there are any amendments that they choose to make to those existing, they would fall under the new ordinance.

3. Ms. Pailes – Could you explain a little further about OG&E – the difficulty? Ms. Connors – Before you could lease poles and lights from OG&E and there was a payment plan that they were able to give you that allowed you to pay from the time you installed them and it was a payment plan as opposed to paying up front for the poles and the fixtures. But OG&E was unable to meet the standards of this. They do have one 30-foot pole and a cut-off fixture that they can install, but it hasn't been requested very often, so it's a possibility for them to meet the standards of this ordinance but, for whatever reason, they couldn't meet it with the same types of light fixtures that many people had already installed in Norman. I don't think it's any longer a major issue. They can meet the 30-foot pole with a full cut-off fixture if people choose to do it, but there is a cost that is different than the way they priced things out previously.

COMMENTS FROM THE AUDIENCE:

1. Harold Heiple, 218 E. Eufaula, representing the Norman Developers Council – This is in the same category as the two comprehensive ordinances that came to you last month with the statement that they've really been vetted by a majority of the City Council already – that being the Pre-Development meeting ordinance change and the preliminary plat extension change. This one has been down the same path, even more so, I think, in terms of vetting and compromise and work in an effort to reach a true and acceptable compromise. I might tell you that, through all of this, these committee meetings were attended by a majority of City Council members. This ordinance was already approved on first reading by the Council two nights ago, and so it had to come back to you as a matter of requirement under the law. But I do want to say that throughout all the negotiations up until the end there were really two competing ordinances lying on the table. One of them got rid of the lumens cap and got rid of full cut-off fixtures. The other one retained the lumens cap and retained the full cut-off fixtures. And wanting to avoid not only litigation, but the fact that there had been actual proof that projects built in compliance with the current lumens cap and using the maximum available to that particular project did not sufficiently light the driveways for a new business to the extent that two Council members acknowledged that they had run into the curb because it was so dark when they went out to look at the property. And what has come out is a compromise that it does away with the lumens cap which was the critical thing as far as the business community, and has been ever since this ordinance was adopted. But also the retention of the full cut-off fixtures is in this ordinance. We would ask you to pass it on to the City Council with your recommendation for approval. Thank you.

2. Larry Steele, 730 Hoover Street – Those of you that were on the Planning Commission, we went through a whole bunch of changes with this lighting ordinance over a period of about a year and a half, and so the one that we presently have had been really vetted and taken to the Council and it was approved. I'll just give you my opinion. All of this stuff that's coming down is because there is a gentleman who opened a business who misplaced his lighting that he had a chance to do. He put too much light in one place and not enough in another and now he's blaming the ordinance for that, because the ordinance claimed that you could put so many lumens per square foot across your property, you can place those lumens wherever you want to, and he placed a great amount of the lumens that he was available in one area and then the other areas are a little bit dark. Now he wants that changed. In my mind, if you have a choice and you make that choice and you do it incorrectly, you can try to go back and fix it by addressing something. The other one was about a person who wanted to expand their parking lot and was going to have to submit a photometric plan and be under the ordinance, because the pole previously that he installed did not fall under the ordinance. There is a group of us that are concerned about the commercial and residential over-lighting in Norman and we have a list of about 25 recently built commercial projects that have done their commercial projects and not complained about the lighting ordinance at all. So we have about 25 people who have come into Norman and done their projects under the present lighting ordinance and have not complained at all and we have 2 that have complained. So we're addressing those 2 basically. There are some good things that came from this. We are totally willing to compromise on the commercial-on-commercial over-lighting. If somebody wants to over-light a little bit onto the next commercial property from their commercial property, I don't see that as a problem; I thought that was kind of silly to start with. And to have the commercial lighting light a sidewalk and a street seemed a little silly to me, also, and that has been taken out in this compromise so there's no problems with commercial lighting going out into the street or lighting the sidewalk. We're totally willing to compromise on those two issues. The City Council asked for definitions for glare and light trespass and I have a definition from an ophthalmologist and I have a definition of light trespass also. I think that if we keep the pole heights at 30 feet that it's exponentially more spread of light than if you keep them at 20 feet. Even if you use a full cut-off fixture, you move it up 10 feet and that bulb, even in your full cut-off, is going to be available to be seen in so many different areas. It's kind of like a pizza; a large pizza is not twice as big as a small pizza;

it's like four times the size, because as it grows exponentially around then it's larger. So I would like to see the Commissioners recommend that the pole height be kept at a 20-foot level. I would be happy to share with you if you want the light trespass and glare definitions, but I'll wait and see if you have a question on that later. The lumens limit which was placed, if it's too low, let's raise it, but let's not make it no limit at all. Then that becomes a dangerous precedent as far as creating light that reflects if someone decides to put too many lumens in their location – if 4 lumens per square foot is too light, let's raise it to 6 – let's raise it to 8 – let's not remove all of the lumens limit and allow someone to get excessive because of either bad planning or bad judgment. I hope that the Commission would consider that. The big problem that was brought up that I told you before was the photometric plan and when we had the meeting with the City Council I brought in this page, front and back, with free software for photometric plans. People were complaining about the cost of the photometric plans. Free software is available. Photometric plans are included in an architect's drawing, just like plumbing plans and electrical plans are, so new construction wouldn't have a problem with photometric plans anyway. And if people want to add on a certain amount – maybe the City could purchase a photometric plan or get some free software and people could come and use it. Photometric plans protect the City of Norman because, if someone is injured in a parking lot or a business area that did not have a photometric plan and it's found that there were dark spots or too much glare and the City of Norman has approved this, then I see some liability there, possibly. With photometric plan software being free on the internet, I see no reason not to continue requiring a photometric plan. If someone wants to add onto a present structure or parking lot, maybe there should be a vehicle for them to come in and appeal not to do the photometric plan or to let them borrow the City's photometric plan. That's all I have. If you have any questions, I'll be happy to answer them.

3. Harold Heiple – I know I've spoken, but Mr. Steele is certainly entitled to his opinions; he's not entitled to his own facts and there are a couple of things he's made grave misrepresentations about. One was the business owner who he said elected to put more light in one location and not enough on his driveways. That's absolutely not the situation. The other is in the number of complaints, that there have only been 2 – the number of businesses and people that have complained and been affected adversely by that lumens cap is quite large. Finally, in terms of – well, those two – I just want to make those points on as far as the facts are concerned.

4. Trey Bates, 3720 Timberridge – I am also Chairman of the Chamber of Commerce this year and the issue of lighting and the ability for businesses to compete and operate in our community has been a big one that we've addressed throughout the year. So other than the representation that was made of maybe one or two businesses, the details of which I'm not familiar, I can tell you unequivocally that the Chamber of Commerce has been extremely concerned about how businesses can compete, can properly light their operations, and adequately serve their customers. The Chamber has been instrumental in working through this compromise. I will tell you that one thing that no one has lost sight of is the need to make sure that we address the issue of light spill-over onto residential areas. So, as was previously noted, those limitations still exist and nothing in this ordinance is intended to create a situation whereby residences are somehow adversely impacted by development – either future residential, commercial, or multi-family development. Just to clarify, again, the Chamber of Commerce, and the businesses that it represents, strongly encourages support of this resolution.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Knotts – Can you address the number of complaints? Ms. Connors – Well, we actually have had only specifically 2 businesses that, beyond questioning when they first came in for permits, actually were concerned about meeting the standards or wanting to meet the standards of the ordinance. We didn't get any formal complaints outside the two that were mentioned.

2. Mr. Knotts – I think we were told by one of the speakers that this has already been approved by the Council? Ms. Connors – At the committee meeting where this was discussed and sent forward for action, there were a majority of the Council members at that meeting. It has not been approved by Council at a public hearing.

3. Ms. Pailes – These are just general comments. We spent a lot of time on this and it was heavily compromised. It was not, in any sense, an extreme ordinance. If anything, it's got major lacks, the biggest one being a complete lack of consideration for apartment dwellers, who have no limits on the spillover that can affect their apartments. It seems to me that the lumen limit is central to the ordinance, I would say. There are issues above just residential spillover, although those were not really addressed in the ordinance. I would say the lumen cap is the center part of the ordinance, and so I can't see just disregarding this on the basis of two documented complaints. I don't think the case for eliminating that has really been made, and I think a strong case would need to be made should you want to eliminate that. Mr. Steele suggested some areas were good and some were bad. I don't think we have the ability to discuss or determine that here; all we can do is say "yay" or "nay" basically. I had the same sensation that some of these were fine; some of them I just couldn't see going along with.

4. Mr. Gasaway – I think one thing that has happened, we've had some time to take a look at this and see how it has affected businesses and property owners as well as customers and the City of Norman, and I think we've gotten some good comments and feedback. Whether we agree with all of the changes or not, I think it has been a relatively good compromise. I'll be supporting this. I do want to say that I'm really glad to see the cut-off fixtures are still intact in this, because I think it's probably the single most important part of this entire ordinance that I think has impacted some of the changes more than anything else. So I'm really glad to see that's there. I would like to propose a challenge to the business owners and the Council members that will vote on this, and all the citizens of Norman who patronize these businesses, is to drive by 2 banks, 2 car dealerships, and 2 gas stations that fit the old ordinance and 2 that fit the new ordinance, and make your decision which of those is more appealing. I think it will show you the good that this ordinance, both in the past and hopefully will continue with some of these changes, have done. You can drive by a car dealership where the lights emphasize the vehicles, rather than flooding generally the entire parking lot. You can drive by a gas station at night – and Mr. Heiple mentioned the one where the driveway is not light enough, and I think that is a good example of where some changes did need to be made. But I think if you look at that gas station and the business that is there, the emphasis is on the gas pumps. The light shines for the safety of the citizens that are there at night. They shine on the business. You can see those very well without having to squint to see what the brand name is or what the sale prices are in the window. They are very well illuminated under the ordinance. The same is true for the banks. I know when we talked about this ordinance initially, the banks were very concerned about their security – that it would limit the security. I think if you'll drive by the banks that have been built that meet this ordinance, you'll see that, in essence, they're brighter through this ordinance than they were with the general glaring lights that flashed out. So I think it has done some good. I think it will continue to do some good. While compromise certainly doesn't ever meet everybody's issues, I think it probably comes as close as it can. I think after we've had several months, we've had the chance to see what good it has done.

5. Mr. McCarty – As any new ordinance, you never know for sure how it will affect changes. The lighting ordinance, when it went into effect, we weren't sure how and what this would do to us and we've had an opportunity in the last year to see that and there has been some issues with it. So I believe this compromise and the adjustments to this ordinance make a lot of sense and, therefore, with that said, I'd make a motion to approve.

6. Mr. Lewis – I think this, as I mentioned last month, this is another shining example of a collaborative effort between the many entities that make up the City of Norman to reach a

solution that everyone is agreeable to. As Chairman of this Commission, I applaud that effort. I think we had, as Commissioner McCarty said, an ordinance that we didn't know how was going to affect the City and the citizens that have to look at, as Mr. Knotts was concerned and I was concerned with, the glare. I think this ordinance has definitely addressed the glare. However, we've seen a problem or a challenge that we need more light in some areas, so certainly this is a great collaborative effort by all entities involved, so I certainly applaud that.

Curtis McCarty moved to recommend adoption of Ordinance No. O-1213-38 to the City Council. Jim Gasaway seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Curtis McCarty, Jim Gasaway, Chris Lewis
NAYES	Roberta Pailes, Sandy Bahan, Tom Knotts
MEMBERS ABSENT	Andy Sherrer, Cindy Gordon, Dave Boeck

Ms. Tromble announced that the motion, to recommend approval of Ordinance No. O-1213-38 to City Council, failed by a vote of 3-3.

* * *

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

February 13, 2013

The City Council Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the City Council Conference Room on the 13th day of February, 2013, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Castleberry, Jungman, Lockett, Spaulding, and Chairman Kovach
ABSENT:	None
OTHERS PRESENT:	Councilmember Jim Griffith, Ward Six Mayor Cindy Rosenthal Councilmember Chad Williams, Ward Eight Mr. Mike Collins, 700 N.E. 122nd, Oklahoma City Mr. Lionel Del Valle, 2013 Cloverdale Lane Mr. Mike Douglas, 1501 Goldfinch Court Ms. Eileen Grzybowski, 715 Elmwood Drive Mr. Harold Heiple, 218 East Eufaula Avenue Ms. Clara McMurray, 2715 Aspen Circle Ms. Amanda Nairn, Chair, Environmental Control Advisory Board Mr. Charles Rice, 439 Leaning Elm Drive Ms. Toni Rice, 439 Leaning Elm Drive Mr. Sean Rieger, 136 Thompson Drive Mr. Larry Steele, 730 Hoover Street Ms. Chris Ward, Cleveland County Conservation District Ms. Jo Young, 14112 Mesquite Road Mr. Anthony Young, 14112 Mesquite Road
STAFF PRESENT:	Mr. Jeff Bryant, City Attorney Ms. Susan Connors, Director of Planning and Community Development Mr. Terry Floyd, Development Coordinator Mr. Jud Foster, Director of Parks and Recreation Ms. Janay Greenlee, Planner II Ms. Jane Hudson, Principal Planner Mr. Ken Komiske, Director of Utilities Mr. Steve Lewis, City Manager Ms. Leah Messner, Assistant City Attorney Ms. Syndi Runyon, Administrative Assistant IV

Item 1, being:

CONTINUED DISCUSSION REGARDING THE COMMERCIAL LIGHTING ORDINANCE.

Mr. Jeff Bryant, City Attorney, highlighted proposed amendments to the Commercial Lighting Ordinance. He said the Committee suggested Staff look at the following changes to determine how they might be included in the ordinance:

Item 1, continued:

- ✓ Allowing 30-foot poles so businesses can utilize the OG&E payment plan
- ✓ Addressing spillover in right-of-way and entrances
- ✓ Removing commercial on commercial spillover requirements
- ✓ Keeping the photometric plan requirement with a waiver to opt out that includes inspections to ensure no spillover
- ✓ Changing the lumens cap to allow additional lighting to be added to areas such as canopies, drive-thru windows, and outdoor sales areas

Pole Height

Chairman Kovach said Staff replaced language in Chapter 22, Section 431.6 § 5(b)(4) regarding pole mounted lights. The original language stated, "Light poles installed within 25 feet of any residential property line or public right-of-way may not exceed twenty feet in height" and Staff replaced it with language that states, "Light poles may not exceed thirty feet in height. Height is measured to the underside of the lens and includes any concrete base." Chairman Kovach said Council wanted the shorter pole height within 25 feet of a residential property line and beyond that permit 30 foot poles to allow applicants to participate in OG&E's payment plan. Ms. Susan Connors, Director of Planning and Community Development, said OG&E can only accommodate 30-foot poles with full cutoff fixtures so if there are two pole heights on a project, OG&E could not be the electric provider. Chairman Kovach said if the pole were installed 26 feet from the residential property line, the business could install a 30 foot pole allowing the business to participate in OG&E's payment plan. He asked Staff to reinstate the original language and Mr. Bryant said that would be done.

Councilmember Williams said stockade fences are six to eight feet tall and if a pole is 30 feet tall, nothing is being accomplished by using a 20-foot pole because people can still stand in their backyard and see the light over the fence. Chairman Kovach said the pole will be at least 26 feet from the property line and Councilmember Williams said a 20-foot pole would still be offensive and Councilmember Jungman and Chairman Kovach agreed, but felt a 20-foot pole would be less offensive.

Spillover of Right-of-way and Entrances

Mr. Bryant said the limit on spillover light on rights-of-way or at entrances to businesses will be removed except where a there is an adjacent residential property and that can be handled by having lighting limitation at the residential property line. He said there will be no regulations on commercial on commercial spillover.

Photometric Plan

Mr. Bryant said previously there had been discussion about allowing applicants the option of not submitting a photometric plan. He said language has been added to make the photometric plan optional and if the applicant chooses that option it creates the presumption the lighting plan complies with the ordinance. He said if there is a complaint, this language shifts the burden of proof to the applicant.

Chairman Kovach said if the photometric plan is optional, there is still a requirement of no spillover onto residential properties so it becomes the applicant's risk if lighting is installed improperly. He said if there is a complaint, the applicant will be forced to make whatever adjustments necessary to meet compliance.

Mr. Bryant said Staff had been asked to contact electrical engineers to determine the cost of preparing a photometric plan and if it is possible for the City to contract to have photometric plans prepared and Staff is working to provide that information.

Item 1, continued:

Councilmember Williams said in previous meetings he stated photometric plan providers are difficult to find and the plans are expensive; however, to become better educated on the subject, he called approximately eight companies that provide photometric plans and found a consensus that photometric plans are growing in popularity and are being included in the overall cost of engineering plans. He said the more light poles that are needed, the higher the cost.

Lumens Cap

Mr. Bryant said Staff proposed allowing additional lighting to be added to areas such as canopies, drive-thru windows, and outdoor sales areas as follows:

- Outdoor Sales Areas — 12 lumens per square foot
- Drive-thru Windows — 6,000 lumens per drive-thru window
- Service Stations — 12,000 lumens per pump

Councilmember Jungman asked why Tables 1 and 2 regarding pole mounted lights and wall packs are being eliminated from the ordinance and Mr. Bryant said requirements for compliance were repetitive so compliance language is being placed in the text of the ordinance under Section 431.6(4)(a).

Mr. Harold Heiple, 218 East Eufaula Avenue, distributed copies of proposed amendments drafted by he and Mr. Sean Rieger, representing the Builders Association of South Central Oklahoma (BASCO). He said he e-mailed the changes to City Staff to include Exhibit C, but the amendments are not noted.

Mr. Larry Steele, 730 Hoover Street, said he was involved in the meetings and discussions creating the Commercial Lighting Ordinance for two years and the ordinance had been stringently parsed over that time to become the current ordinance. He felt full cut-off fixtures should be a requirement and did not have a problem amending pole heights, spillover onto sidewalks and streets, or commercial on commercial overspill. He said he is not familiar enough with lumen caps to know if the recommendations are appropriate. He said David Stanley Chevrolet has tall and short light poles and it blends nicely. Councilmember Spaulding asked if Mr. Steele knew the heights of the poles at David Stanley and Mr. Steele said he did not. Councilmember Spaulding said assuming the tall poles are 40 feet and the shorter poles are 30 feet, that would have allowed OG&E to provide their poles and Ms. Connors said if the full cut-off fixture is included, OG&E can only provide them on 3- foot poles.

Mr. Steele said he googled photometric plans and found several sites that offer free, downloadable software on the internet. He also spoke to two architect friends, one in Dallas, Texas, and the other in Daytona Beach, Florida, who told him photometric plans are included in their design costs and they do not design anything without a photometric plan. He said just about every large company or business chain in the United States has more stringent lighting guidelines for their company than Norman's ordinance. He asked Council to respect the process and compromise on spillover, commercial on commercial lighting, and pole heights leave the majority of the ordinance unchanged.

Mr. Michael Collins, 700 N.E. 122nd, Oklahoma City, said he is a professional lighting salesman and is very familiar with the subject being discussed tonight. He said cut-off fixtures allow light to go up and does not affect spillover, which comes from light distribution. He said most car dealerships install 25 to 30 foot poles and use a different lamp source on the shorter poles to try to accomplish an even, smooth level of light. He said Oklahoma City's ordinance allows .75 foot candles in parking lots and Norman's ordinance allows .2 foot candles, which is low. He said in order to meet the City's ordinance a business would have to have a lighting layout, which is generally included in the design plans and a parking lot layout is the simplest layout to do.

Item 1, continued:

He said a light layout gives the City documented information on light levels so if an applicant does not submit a photometric plan they become responsible if the lighting is not in compliance. He said light trespasses if a business puts a light fixture on a pole and they do not use the right distribution, which can only be done by using a photometric plan. Councilmember Gallagher asked why Oklahoma City allows .75 and Mr. Collins said it provides a higher level of safety, especially in parking lots. Councilmember Gallagher asked Mr. Collins if he knew of any other city that has .2 candle foot and Mr. Collins said he only familiar with cities where he has worked, but most cities are higher. He said in laymen's terms, a foot candle is a cubic foot of light a candle puts out so being inside that one foot candle is great, but drop that down to .2 and it is not a lot of light. Councilmember Spaulding asked if, mathematically, Norman's requirement is one fourth of Oklahoma City's and Mr. Collins said mathematically that is correct. Councilmember Williams asked if the .2 is spillover and Ms. Connors said a parking lot should be illuminated to a *minimal* level of .2 foot candles with a uniformity ratio of 20 to one and in addition to that there is a lumens requirement of four lumens per square foot on any parking lot. She felt no one would ever meet that minimum and Mr. Collins said an average of four lumens is good. Councilmember Castleberry asked if .2 foot candles spillover is good or bad and Mr. Collins said .2 candle foot is not bad and is mindful of residential areas.

Councilmember Jungman said based upon Mr. Collins' comments, he would suggest the photometric plan requirement be put back into the ordinance. Councilmember Jungman asked Mr. Collins if a photometric plan is part of the design process and Mr. Collins said yes, if you want to meet a City's code that limits so many foot candles in a parking lot, you would not know if you had complied without a photometric layout. He said you also need to know where to place the light poles, which takes a photometric layout.

Chairman Kovach said Council is considering a total lumens cap next to residential and asked if light can be as bright as you want on one area without affecting the person living next to you and Mr. Collins said yes, you can limit the light by using a particular distribution of the fixture. He described five basic light distributions and every lighting manufacturer has a distribution called a "forward perimeter throw" or a "forward throw" where light is directed towards the front of the pole and there are light fixtures with a shield that limits light so no light gets to the back of the pole.

Councilmember Williams asked how lighting was designed 20 years ago before photometric plans were available and Mr. Collins said photometric plans were done manually using mathematical formulas. Councilmember Williams asked why photometric plans are becoming so common and Mr. Collins said because software is so readily available now. Councilmember Williams said he interprets that as not everyone does a plan so how do they get by with that and Mr. Collins said they get by with it if a City does not have an ordinance requiring it. Councilmember Castleberry asked if Mr. Collins preferred the photometric plan to be required or optional and Mr. Collins said it is a good idea to have it required because if it is not required, people will not do it. Mr. Rieger believed people would do the plan if it were optional because the option gives the legal presumption the lighting will be done properly and that is a big incentive for someone to submit a photometric plan.

Mr. Rieger said BASCO supports the replacement ordinance that has been put forth as an alternative to the present ordinance in place. BASCO has stated for years that more light means more safety. He said BASCO also repeatedly requested leniency on commercial on commercial lighting and light spillover on sidewalks and rights-of-way and the request was ignored, but he appreciates the fact that everyone is now saying these are not problem. He said a person can put as much light on a property as they want as long as it is distributed properly and there has been compromise on this point. He said if BASCO compromises to use full cut-off fixtures, he felt the lumens cap should be removed because full cut-off fixtures will accomplish what the lumens cap is designed to protect.

Item 1, continued:

Mr. Rieger said many times property owners remodel or perform simple parking lot retrofits and do not hire an architect or professional engineer, they may hire a local electrical contractor. He asked that a licensed electrical contractor be allowed to submit the photometric plan in the submittal process.

Mr. Rieger said BASCO is requesting the glare definition be revised to state that glare be focused on residential property and traffic only. He said the current definition talks about "a reasonable person" and needs to state "a reasonable person with average sensibilities" because that is an important legal phrase.

Chairman Kovach suggested removing the lumens cap requirement with the requirement of a photometric plan when a project is next to a residential area but optional if the project is not near a residential area. He said a large project without a photometric plan could have too many lumens posing a problem for neighbors and when a complaint is issued there is a long process before a resolution is found. He felt this option would be a way to protect neighborhoods without placing the burden on the businesses. Mr. Rieger said Chairman Kovach is presuming problems would come from large projects, but is not seeing the fact that there are small projects next to residential properties that may not warrant a photometric plan. Councilmember Griffith said Chairman Kovach's suggestion makes perfect sense especially since a photometric plan can be created using software obtained online.

Ms. Eileen Grzybowski, 715 Elmwood Drive, said some people are under the illusion that more light is safer. She said when the Acting Chief of Police addressed the issue at the City Council meeting in June 2011, the ordinance was approved. He said too much light is bad for security because people get lost in the glare. She researched lighting ordinances and Chicago, Illinois, did an incredible study about ten years ago on safety and security in Chicago and found that areas lit up the most were the ones that were less secure and had the most crime. They believed these areas had more theft because they looked like areas that had more to steal.

Ms. Grzybowski believes a photometric plan should be required. She suggested the City purchase a $99 software package and let smaller businesses use the software if needed. She said protecting the integrity of neighborhoods is important because many neighborhood associations have attended the recent high density meetings and were promised the Lighting Ordinance will take care of spillover light onto neighborhoods. She disagreed with the glare definition as she is at an age where glare is a problem and she recently drove down Main Street at night in the fog and the full cut-off fixtures allowed people to see the ground without being a dandelion of light that spilled over as glare to drivers. She said people do not hit curbs because of lack of light, they hit curbs because they are not paying attention or do not have their lights on.

Mr. Heiple said he represents the 7-Eleven Convenience Store at Flood Avenue and Robinson Street who complied with the Lighting Ordinance. He said two Councilmembers have stated they have hit the curbs at the entrance because it was too dark and the property was not adequately lit and that is due to the lumens cap. He said if full cut-off fixtures are required and the lumens cap is limited at the boundary that will protect the neighbors.

Mr. Heiple suggested language in the definition of glare that states "glare that is either directed or reflected from within the property." He said this would take care of issues with "glow" as well as glare. He said if the lumens cap is not taken out, then the Committee will probably send two ordinances forward and those Councilmembers running for election will be labeled as light polluters or no voters. Chairman Kovach asked Mr. Heiple his thoughts on taking out the lumens cap, but requiring a photometric plan for projects next to residential areas and Mr. Heiple said that would work.

Ms. Clara McMurray, 2715 Aspen Circle, said when the eye sees something bright at night, it takes the eye longer to see into shadowed areas that are not as bright. She asked if full cut-off fixtures prevent light from going up and Chairman Kovach said yes.

Item 1, continued:

Chairman Kovach suggested moving forward with one ordinance and said Councilmembers are welcome to make their amendments at that time, but the idea of sending two ordinances to the Planning Commission is not a good idea. He did not have a problem with Mr. Rieger's request that an electrical contractor be allowed to submit a photometric plan. He suggested proceeding with the compromised ordinance without the lumens cap, but with the photometric plan if the project is near residential property.

Councilmember Williams asked Chairman Kovach's opinion on glare and Chairman Kovach said he did mind inserting "average person with reasonable sensibility" and asked the Committee's opinion. Councilmember Jungman asked Mr. Bryant if that language is important and Mr. Bryant said the current definition covers that, but Staff would not have a problem adding "directed or reflected" so language would read, "the sensation produced by luminance, directed or reflected, within the visual field that is sufficiently greater than the luminance to which the eyes are adapted, which causes an annoyance, discomfort, or loss in visual performance and visibility for a reasonable person." He said when you say "reasonable person" at the end it already has the reasonable man standard. Councilmember Castleberry said adding "*average* reasonable person" clarifies that more and Councilmember Jungman agreed. Mr. Bryant felt that would not legally add anything as the reasonable man standard is an average, reasonable person usually determined by a jury. He said a Judge understands that the reasonable man is a reasonable, average person. He said language not usually in these types of standards in the law creates another thing attorneys must argue so he would suggest not adding language normally not found in these types of standards.

Councilmember Williams asked if Mr. Bryant had any problems with BASCO's glare definition because it has changes other than the reasonable man standard and Mr. Bryant said he did not think changing the current ordinance's definition is necessary, but would follow Council's wishes. Mayor Rosenthal said BASCO's definition includes "reduced vision, temporary blindness, physical discomfort, visual impairment" and that is becoming an unreasonable standard. Councilmember Griffith said the current definition is broad in general and covers reasonable person of limited sight as well as visual acuity. Chairman Kovach said he supports the current definition and wanted to point out there had not been a lot of complaints based on that definition.

Councilmember Williams asked Mr. Bryant to highlight the changes that will be made for the record. Mr. Bryant said in Exhibit C, Paragraph 5(b)(4) will be reinstated; Paragraph 5(f) will be stricken, which is the lumens cap as well as striking language 6(e)(2) and (3) that contains language regarding the lumens cap; Paragraph 6 will be changed to require a photometric plan if a project abuts residential property; and *directed or reflected* will be added to the glare definition. Chairman Kovach said once those changes are made send the ordinance will move forward to the Planning Commission on March 14, 2013. He asked that the ordinance be placed on the website for public review and input as well.

Councilmember Williams thanked everyone for working together on the amendments and asked that the two glare definitions be placed in the ordinance as Option A and Option B and allow Council to choose one and Chairman Kovach said when the ordinance comes before Council an amendment can be made at that time for Council's review, but he did not want to send two definitions to the Planning Commission.

Items submitted for the record

1. Memorandum dated February 13, 2013, from Susan Connors, AICP, Planning and Community Development Director, to Oversight Committee Members with Exhibit A, Revised Proposed Version of the Lighting Ordinance submitted by Councilmember Williams; Exhibit B, Previously Proposed Amendments to the Current Lighting Ordinance; and Exhibit C, Revised Proposed Version of the Light Ordinance from Staff
2. Business Community's Revised Proposed Version of the Lighting Ordinance

City of Norman, OK

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: K-1213-180

File ID:	K-1213-180	**Type:**	Contract	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 35	**In Control:**	City Council
Department:	Utilities	**Cost:**		**File Created:**	03/20/2013
File Name:	Contract for Curbside Recycling			**Final Action:**	

Title: CONTRACT K-1213-180: A CONTRACT BY AND BETWEEN THE NORMAN MUNICIPAL AUTHORITY AND ALLIED WASTE SYSTEMS, INC. TO PROVIDE RESIDENTIAL CURBSIDE RECYCLING COLLECTION SERVICES.

Notes: ACTION NEEDED: Motion to approve or reject Contract No. K-1213-180 with Allied Waste Systems, Inc., and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Agenda Date: 03/26/2013

Agenda Number: 35

Attachments: K-1213-180 Residential Recycling Agreement- Allied Waste

Project Manager: Ken Komiske, Director of Utilities

Entered by: kathryn.walker@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File K-1213-180

Body

BACKGROUND: The City began offering curbside recycling service after Norman voters approved an additional mandatory $3 rate for the new service in 2007. The initial contract (K-0708-101; approved October 23, 2007) for the service was with Waste Management of Oklahoma and included weekly pickup of an eighteen (18) gallon bin of recyclables from single-family dwellings in urban Norman only. Recyclables under the contract with Waste Management include newsprint, magazines, office and mixed paper, phonebooks, soda bottles, aluminum, steel and tin cans, glass bottles, and #1-7 plastics. Cardboard products, including corrugated cardboard, chipboard, and boxboard are not acceptable recyclables under the 2007 contract with Waste Management. Under the 2007 contract, recyclables were to be separated into two streams by the Contractor as the recyclables were collected at the curb ("dual-stream").

Six months prior to the expiration of the contract with Waste Management, staff began putting together a Request for Proposal (RFP) for curbside recycling service with the goal of providing the Council/Norman Municipal Authority Trustees (NMA) with options for other scenarios previously not considered to be viable.

Request for Proposal RFP-1213-57 was issued on November 30, 2012 and allowed for proposals on four different options. The options included:

- Dual-stream weekly pickup from single-family dwellings in urban Norman with transportation to and processing of recyclables;
- Single-stream bi-weekly pickup from single-family dwellings in urban Norman with transportation to and processing of recyclables;
- Single-stream bi-weekly pickup for multi-family dwellings in urban Norman with transportation to and processing of recyclables; and
- Provision of a Materials Recovery Facility (MRF) for processing and marketing of recyclables collected and delivered by City of Norman personnel.

In addition, the RFP allowed for the proposers to specify which recyclables could be accommodated under each scenario. Staff received proposals from two outside providers - Republic/Allied Waste and Waste Management. In addition, staff prepared a proposal for the City to provide recycling service in-house. The proposals were reviewed by the NMA/Council at a Council Conference on January 22, 2013 and again at a Study Session on February 5, 2013. Staff was directed to proceed with contract negotiations with Republic/Allied Waste for single-stream, bi-weekly pickup of 95-gallon polycarts.

DESCRIPTION: City Council/NMA has on numerous occasions expressed concerns and given direction related to better addressing customer service in the new recycling contract. Staff looked at recycling RFP's and contracts from other cities and also relied heavily on the Recycling Contract Negotiation Guidebook completed by R.W. Beck, Inc. for the North Central Texas Council of Governments. These materials were helpful in drafting contractual provisions that would ensure clear expectations by all parties, and clear consequences for failure to meet such expectations.

Contract K-1213-180 with Allied Waste Systems, Inc. ("Contractor") sets forth the obligations for recycling pickup. As directed, it calls for single stream biweekly pickup of recyclables. Norman Municipal Authority (NMA) will purchase and provide 95-gallon, lidded and wheeled polycarts for this service. Materials that can be recycled under this Contract include the items our customers are able to recycle at the curbside now (aluminum, steel and tin cans, newspaper and newspaper inserts, magazines, catalogs, all junk mail and envelopes, office and school paper, phone books, glass bottles and jars, plastic milk jugs, and plastics labeled No. 1 through No. 7) as well as cardboard, cereal and cracker type boxes, paper milk cartons and plastic bags. Allied Waste/Republic anticipates needing a 4-month lead time to order the equipment and fully staff for the new service; the City needs about two months to finance and order polycarts. If Contract No. K-1213-180 is approved on March 26, 2013, Allied Waste will order the necessary equipment and service under the contract will begin Monday, August 5, 2013.

It should be noted that the 2007 contract with Waste Management for recycling service expired on February 28, 2013. Waste Management has agreed to continue to provide the service through the end of March, but so far, has been unwilling to commit to continue to provide the service through the end of July. A letter from the Waste Management's Public Sector Solutions Manager, Doug Sims, is included with this item. Mr. Sims has expressed a willingness to work with the City through any transition period to the biweekly service if the new contract is awarded to Waste Management or if the City opts to provide biweekly service itself, but feels that consideration of a transition period is premature until the City decides to award the contract. Given Waste Management's unwillingness to commit to service during the interim period, Staff approached Allied Waste about whether they would be willing and able to provide weekly curbside pickup of the 18 gallon containers until we transition to the biweekly polycart pickup. Allied Waste has indicated a willingness to allocate their resources and provide this service during the transition period. Staff is working on finalizing the details with them should Waste Management decide not to continue the existing service through August 2, 2013.

The cost for collection, transportation and processing is set forth in Section IV of the proposed Contract. Although collection from only single family dwellings is anticipated at this time, the Contract preserves the option to add service to multi-family dwellings at any point during the contract term for the rates proposed by the Contractor. The Contractor has also agreed to provide, at no charge, sufficient recycling containers and collection service at least once per week at a number of City facilities and Norman schools (Section IV.C.). The Contractor has also agreed to make available up to 100 event boxes for recycling at community events at no

cost to the Authority (Section IV.D.). The Contractor has the ability under the Contract to request imposition of a Fuel Recovery Fee should an unforeseen increase in fuel costs arise that materially increases the operational overhead of the Contractor. The Fee cannot exceed three percent (3%) of the rate and cannot be imposed for a term greater than 3 months. Any decision by the Authority to deny imposition of the fee shall be deemed final under the Contract.

Operational Obligations (Section V)

The operational obligations are designed to not only make clear what the Authority's expectations are, but also to employ a system whereby customer service issues can be identified and addressed more efficiently. The Contractor will employ single stream collection every other week ("bi-weekly") on schedules and routes to be dictated by the Authority. The Contractor will follow the same schedule for observed holidays on which there is no regular sanitation service provided. Each collection vehicle is required to be equipped with at least one broom and one shovel to be used in the event material is spilled or blown about during the course of collection and/or hauling.

In addition to the basic operational obligations already discussed, Section V also requires that the Contractor follow specific procedures related to education. If a resident sets out unacceptable waste, i.e. items that cannot be recycled, or leaves items on the curb but not in the cart, or positions the cart incorrectly, the Contractor will be required to collect the materials that can be recycled and leave an education tag that will indicate acceptable materials for recycling and acceptable preparation and placement of the cart. The Contractor will keep a record of all educational tag notifications. The Contractor will also be required to publish and distribute education flyers on at least an annual basis at its cost. The initial welcome packet marketing material will be distributed with the polycarts and additional materials may be in the form of flyers, notices or door hangers.

Section V also sets forth customer service obligations of the Contractor. In case of customer complaints, the Contractor must have an office in the metropolitan area staffed to receive such complaints during collection hours. The Authority will forward any complaints it receives to the Contractor as well. All complaints must be logged. The log must include the nature of the complaints, the names, addresses and contact numbers of the complainants, the date and time received, the Contractor's response, and the date and time of the response. All complaint information will be submitted to the Authority in a monthly report. This log system will enable the Authority to identify potential problems related to customer service and address them as they arise.

If a complaint is made regarding missed service before Noon on a scheduled working day, the Contractor must return to the complaint address and complete the collection the same day. If the report is made after Noon on a scheduled working day, the Contractor must return to the complaint address no later than Noon the following day to complete collection. If the Contractor is unable to finish service on the assigned day, they must notify the Authority and report which route areas were not completed; the reason for non-completion; and the expected time of completion, on a daily basis.

Performance Assurances (Section VI)

As referenced above, the Contractor will be required to keep and submit certain records on a monthly basis and on an annual basis, culminating at a meeting with Utilities Department staff on at least an annual basis to discuss any issues with the recycling service and recommendations for improvement. The monthly report will include the following information for the previous month:

- Participation rate
- Average weight of recyclable materials per container
- Total quantities of recyclable materials collection, by material type
- Net quantities of recyclable materials marketed, by material type
- Quantities of process residuals disposed
- Recycling Service fee (based upon contracted price per household)
- Log of all complaints and related information
- Log of all resident addresses where education tags were left because of unacceptable materials set out for recycling

In addition to the monthly reports, the Contractor will provide annual reports that include the following information for the previous year:

- Total quantities of recyclable materials collected in Norman
- Net quantities of recyclable materials marketed, by material type
- Quantities of process residuals (non-recyclables) disposed
- Disposal location of process residuals
- Materials composition analysis
- Average participation rate and set-out rate
- Recommendations for improvement to the recycling program

The NMA has the right under the Contract to audit the records of the Contractor to ensure accurate data is being provided. Additionally, the Authority may inspect the Contractor's equipment and facilities that are used in connection with its service in Norman.

Contract Enforcement and Remedies (Section VIII)

Section VIII authorizes the NMA to withhold payment to the Contractor if the Contractor fails to fulfill its obligations as follows:

- Failure to respond to legitimate service complaints within 24 hours in a reasonable and professional manner - $50 per incident
- Failure to collect properly notified missed Collections - $250 per incident
- Failure to provide monthly and annual reports - $100 per incident
- Failure to complete the Collections within the specified timeframes without proper notice to the Authority - $100 per incident
- Failure to clean up from spills during Collection operations - $250 per incident
- Failure to report on changes in location of Recyclable Materials processing operations - $250 per incident
- Failure to provide written description of the means to estimate relative amount of Process Residuals derived from the Authority's recyclables on the monthly reports - $100 per incident
- Changing the Collection and Processing systems prior to receiving NMA approval to implement any such change - $500
- Failure to conduct and report results of the annual composition analysis - $100 per incident.

Additionally, either Party may terminate the contract if the other party fails to fulfill its obligations or otherwise violates the terms of the agreement and failures to correct such violation within 60 days.

RECOMMENDATION: Staff recommends approval of Contract K-1213-180.

Doug Sims

WASTE MANAGEMENT

March 20, 2013

Ms. Kathryn Walker
Assistant City Attorney
City of Norman
201 West Gray
Norman, OK 73070

Dear Ms. Walker:

I would like to thank you for contacting me to discuss a possible extension to our current curbside recycling collection contract.

It is my understanding the Norman City Council has not made a final decision on awarding a new contract nor decided on the details of the new service. As the incumbent, Waste Management is hopeful the City Council will strongly consider allowing Waste Management to continue recycling services for the residents of Norman.

As you know, our proposal is within four cents of the lowest submitted proposal. Given the extremely small differences in the rates of the apparent proposals, Waste Management also hopes senior staff will value continuity of service and consider the risks associated with the changing vendors on a city service that so directly affects every homeowner in Norman.

Since the City Council has not yet determined if City crews, Republic Services or Waste Management will provide the new recycling service, we believe it is premature for Waste Management to discuss contract extension terms until we better understand what direction the City has chosen.

If the City Council awards Waste Management the new contract or if the Council decides to direct City crews to provide the new recycling collection service, we will have ample time and flexibility to discuss a reasonable transition period. This transitional period will allow Waste Management and the City to prepare for the upgraded service (including the purchase of new

collection trucks, new 96-gallon polycarts, recovery of the 30,000 existing 18-gallon recycling bins and an education and communication campaign properly explaining the changes and new schedule to residents).

Since we are not aware of how long it might take for a competitor to transition into the City of Norman for the new recycling service offering, we feel it is appropriate to wait until the City Council makes a final decision before addressing an extension. At that point, Waste Management is prepared to sit down with City staff to discuss a possible extension that is in the best interests of both the City of Norman and Waste Management.

Sincerely,

Doug Sims
Public Sector Solutions Manager
Waste Management of Oklahoma, Inc.
dsims5@wm.com
903 647 6862

RESIDENTIAL RECYCLING AGREEMENT

This Residential Recycling Agreement ("Agreement") is entered into as of the ____ day of _____, 2013, between the Norman Municipal Authority, a public trust having as its beneficiary the City of Norman, Oklahoma ("Authority") and Allied Waste Systems, Inc., a Delaware corporation ("Contractor").

WITNESSETH:

WHEREAS, Authority desires to grant to the Contractor the exclusive right to operate and maintain the service of residential and multi-family customer recycling over, upon, along and across the present and future streets, alleys, bridges and public properties of the City of Norman, subject to the terms of this Agreement; and

WHEREAS, Contractor desires to operate and maintain the service of residential and multi-family customer recycling over, upon, along and across the present and future streets, alleys, bridges and public properties of the City of Norman, subject to the terms of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

I. **Contract Documents.** The following documents shall be referred to as the "Contract Documents", all of which shall be taken together as a whole as the contract between the parties as if they were set verbatim and in full herein:

A. This Agreement.

B. Request for Proposal (the "RFP") for Comprehensive Recycling Program (RFP-1213-57) dated November 30, 2012.

C. Addendum No. 1, dated December, 31, 2012.

D. Contractor's Proposal for the City of Norman, Oklahoma Comprehensive Recycling Program.

In the event of a conflict among the provisions of the Contract Documents, the order in which they are listed above shall control in resolving any such conflicts with Contract Document "A" have the first priority and Contract Document "D" having the last priority.

II. **Definitions.** In addition to the definitions set forth in Section 2 of the RFP, capitalized terms in this Agreement shall have the following meanings:

A. Authority: shall mean the Norman Municipal Authority.

B. City: Shall mean the City of Norman, Oklahoma.

C. Collection: The aggregation and transportation of Recyclable Materials from a place at which it is generated and including all activities up to the time when it is delivered to a Materials Recovery Facility.

D. Collection Hours: Shall mean the time period during which collection of Recyclable Material is authorized in the City.

E. Contaminated Material: Shall mean all material collected by the recycling vehicles that is not considered Recyclable Material as defined in this contract. Contaminated Materials including but not limited to: garbage, food waste, food tainted items, pizza boxes, egg cartons, wax-coated cartons, ice-cream cartons, aluminum foil, Styrofoam cups and plates, aerosol cans, propane tanks, and helium tanks.

F. Contractor: Shall mean Allied Waste Systems, Inc., a Delaware corporation.

G. Hazardous Waste: Shall mean solid waste as described in 40 C.F.R. §260.10.

H. Insurance: Shall mean a commercial general liability insurance issued in favor of the Norman Municipal Authority.

I. Materials Recovery Facility (MRF): A recycling facility in which Recyclable Materials are processed. For purposes of this Agreement, unless otherwise modified, MRF shall mean the material recovery facility located 320 N. McCormick Avenue, Oklahoma City, Oklahoma that is owned by Batliner Recycling.

J. Missed Collection: Shall mean the failure of Contractor to provide recycling collection at a designated collection stop within the Collection Hours on the Scheduled Collection Day.

K. Multi-family Household: A building or a portion thereof containing five (5) or more dwelling units.

L. Non-Targeted Materials: Materials that are not Recyclable Materials as defined herein.

M. Processing: Volume reduction, sorting, baling, containment, or other preparation of Recyclable Materials delivered to a MRF for transportation or marketing purposes.

N. Process Residuals: Materials that cannot be recycled due to material characteristics such as size, shape, color, cross-material contamination, etc. and must be disposed as municipal solid waste. Process Residuals may include, but are not limited to, bulky items, contaminants, sorted tailings, floor sweepings, and rejects from specific processing equipment (e.g. materials cleaned from screens, etc.). Process Residuals does not include clean, separated products that are normally processed and prepared for shipment to markets as commodities. Process Residuals does not include glass broken after Collection.

O. Recyclable Materials: All items of refuse designated by Contractor and Authority to be part of an authorized recycling program and which are intended for transportation, processing, and re-manufacturing or reuse, including aluminum, steel and tin cans; newspaper and newspaper inserts; magazines and catalogs; all junk mail and envelopes; cardboard; office and school paper (all colors); phone books; cereal and cracker type boxes, brown paper sacks and bags; glass bottles and jars; plastics labeled Nos. 1 through Nos. 7; plastic milk jugs; paper milk cartons; and plastic bags.

P. Scheduled Collection Day: Shall mean the day or days of the week on which recycling collection service by Contractor is to occur, as specified herein.

Q. Unacceptable Waste. Shall mean Non-Targeted Materials and Hazardous Waste.

III. Contract Term. Unless terminated in accordance with Section VIII(B) of this Agreement or extended in accordance with this Section, the term of this Agreement shall expire after a period of five (5) consecutive years of collection, which shall begin on August 5, 2013 (the "Contract Term"). Authority may at its sole discretion extend the term of this Contract for one additional five (5) year term. To exercise its option, Authority shall provide written notice to Contractor not later than thirty (30) calendar days preceding the expiration of this Agreement. This provision in no way limits the Authority's right to terminate this Agreement at any time during the initial term or any extension thereof pursuant to the provisions in this Agreement.

IV. Costs for Collection, Transportation and Processing.

A. Single Family Dwellings. The following monthly rates shall apply during the term of the Agreement for each single family dwelling unit:

Year	Monthly Unit Rate
1 (August 5, 2013 – July 30, 2014)	$1.80

2 (August 1, 2014 – July 30, 2015)	$1.88
3 (August 1, 2015 – July 30, 2016)	$1.96
4 (August 1, 2016 – July 30, 2017)	$2.04
5 (August 1, 2017 – July 30, 2018)	$2.12

B. Multi-family Dwellings. Should the Authority exercise the option to provide Recycling Services to all multi-family dwellings, the following monthly rates shall apply during the term of the Agreement for each multi-family dwelling unit:

Year	Monthly Unit Rate
1 (August 5, 2013 – July 30, 2014)	$1.52
2 (August 1, 2014 – July 30, 2015)	$1.58
3 (August 1, 2015 – July 30, 2016)	$1.64
4 (August 1, 2016 – July 30, 2017)	$1.71
5 (August 1, 2017 – July 30, 2018)	$1.77

C. Municipal and School Facilities Collection Requirements. The Contractor shall provide, at no charge, sufficient recycling containers and collection service at least once per week at the following locations in Norman:

i. City Hall – 201 W. Gray
ii. Water Treatment Plant – 3000 E. Robinson
iii. Water Reclamation Facility – 3500 S. Jenkins
iv. North Base – 1307 Da Vinci
v. Streets Department – 663 E. Lindsay
vi. Fire Station #1 – 411 E. Main
vii. Fire Station #2 – 2211 W. Boyd
viii. Fire Station #3 – 500 E. Constitution
ix. Fire Station #4 – 4145 W. Robinson
x. Fire Station #7 – 2207 Goddard Avenue
xi. Fire Station #8 – 3901 36th Avenue NW
xii. Fire Station #9 – 3000 E. Alameda
xiii. Adams Elementary – 817 Denison
xiv. Cleveland Elementary – 500 N. Sherry
xv. Eisenhower Elementary – 1415 Fairlawn
xvi. Jackson Elementary – 520 Wylie Rd.

xvii. Jefferson Elementary – 250 N. Cockrel
xviii. Kennedy Elementary – 621 Sunrise
xix. Lincoln Elementary – 915 Classen
xx. Madison Elementary – 500 E. James
xxi. Monroe Elementary – 1601 McGee
xxii. McKinley Elementary – 728 S. Flood
xxiii. Reagan Elementary – 1601 24th Ave. SE
xxiv. Roosevelt Elementary – 4250 W. Tecumseh
xxv. Truman Elementary – 600 Parkside Rd.
xxvi. Washington Elementary – 600 48th Ave. SE
xxvii. Wilson Elementary – 800 N. Peters
xxviii. Dimensions Academy – 1101 E. Main
xxix. Alcott Middle School – 1919 W. Boyd
xxx. Irving Middle School – 1900 Alameda
xxxi. Longfellow Middle School – 300 N. Ponca
xxxii. Whittier Middle School – 2000 W. Brooks
xxxiii. Norman High School – 911 W. Main
xxxiv. Norman North High School – 1809 Stubbeman
xxxv. Norman Public Schools Administration – 131 S. Food
xxxvi. Norman Public Schools District Computer Center -1133 W. Main
xxxvii. Norman Public Schools Warehouse – 4100 N. Flood Ave.
xxxviii. Norman Public Schools Transportation – 425 12th Ave. NE
xxxix. Norman Public Schools Food Services – 111 N. Berry Road

D. Event Boxes. Contractor shall make up to 100 event boxes available for community events at no cost upon request by the Authority. Should additional event boxes be requested by the Authority, Contractor will provide them for a rate of $5.00 per box.

E. Fuel Recovery Fee. During the term of this agreement it may become necessary to impose a Fuel Recovery Fee (the "FRF") to address any unforeseen increase in the cost of fuel. The Contractor may apply with the Authority for a fuel surcharge in the event an increase in the Contractor's cost of fuel materially impacts the Contractor's base overhead expense. The Authority may approve a fuel surcharge if the Contractor demonstrates and provides satisfactory evidence of a material increase in operational overhead resulting solely from an increase in fuel cost. The surcharge shall not exceed 3% (three percent). The approval of the Authority shall not be unreasonably withheld; however, the refusal of the Authority to allow a surcharge shall be final. Fuel surcharges permitted under this Agreement, if approved by the Authority, shall be for terms not to exceed three (3) months.

V. Contractor Operational Obligations.

A. General Requirements. The general requirements for the collection of Recyclable Materials are set forth in Section 3 of the RFP.

B. Collection Method. Contractor shall employ single-stream collection of Recyclable Materials, meaning residents will commingle all groups of Recyclable Materials in a lidded, wheeled cart and the Contractor will collect and process the Recyclable Materials in a single stream.

C. Collection Frequency and Schedule. Contractor will provide recycling collection as dictated by the Authority. Before collection begins, the Authority will provide Contractor with a schedule and route maps that will provide each residential customer with pickup of the Recyclable Materials every other week.

D. Collection Containers. The Authority will provide and distribute 95 gallon lidded and wheeled polycarts for collection of Recyclable Materials.

E. Ownership of Recyclable Materials. All Recyclable Materials for collection shall remain the responsibility and in the ownership of the resident until handled for collection by Contractor. At the point of collection, the Recyclable Materials become the property of the Contractor. Contractor shall report to the Authority any instances of suspected scavenging or unauthorized removal of Recyclable Materials from any collection container.

F. Procedure for Unacceptable Waste, Materials Outside Cart and Unreachable Carts.

i. At the collection point: If Contractor determines that a resident has set out Unacceptable Waste or Non-Targeted Materials, left Recyclable Materials outside of the cart, or has positioned the cart so that it is unreachable with the mechanical arm, Contractor shall use the following procedures:

1. Contractor shall collect all the Recyclable Materials and leave an "education tag" provided by Contractor attached to the handle of the recycling container indicating acceptable materials, the proper method of preparation and the proper placement of the cart.

2. The driver shall record the address of educational tags notifications.

ii. At the processing point: If non-targeted materials or process residuals are discovered at the point of processing, the Contractor will remove said materials and dispose of it properly.

iii. Title to and liability for Unacceptable Waste shall at no time pass to Contractor.

G. Customer Complaints. The Contractor shall operate an office located in the Oklahoma City metropolitan area which shall be open during collection hours; have responsible person(s) in charge during collection hours, be equipped with sufficient telephones to receive and record complaints, and requests for information in a courteous and polite manner. The Contractor shall provide a 24 hour answering service line or device to receive customer calls. Additionally, the Authority shall provide staffing of a telephone-equipped office to receive complaints between the hours of 8:00 a.m. and 5:00 p.m. on weekdays, except holidays. The Authority shall forward all complaints to Contractor who shall keep a log of all complaints, including the nature of the complaints, the names, addresses and contact numbers of the complainants, the date and time received, the Contractor's response, and the date and time of response. All complaint information shall be forwarded to the Authority in a monthly report.

H. Procedure for Complaints, Questions, and Missed Collections. A complaint regarding service or missed collection may be received by Contractor from either the customer or the Authority. If the report is for a missed stop and is received by Contractor before Noon on a scheduled working day, Contractor is required to return to the complaint address and complete the collection. If the report is registered after Noon on a scheduled working day, Contractor is required to return to the complaint address by Noon the following work day.

I. Clean Up Responsibilities. Contractor shall adequately clean up any Recyclable Material spilled or blown during the course of collection and/or hauling operations. All collection vehicles shall be equipped with at least one broom and one shovel for use in cleaning up material spillage.

J. Non-Completion of Collection and Extension of Collection Hours: Contractor shall inform the Authority of the areas not completed, the reason for non-completion, and the expected time of completion on a daily basis as applicable.

K. Holidays. Contractor shall observe holidays in the same manner in which the Authority's sanitation service observes holidays. In the event a holiday on which no collection is provided occurs on a weekday, the collection for each day of that week after the holiday shall be made one (1) working day later.

L. Publicity, Promotion and Education. The Contractor shall publish and distribute public education flyers to single-family dwellings on at least an

annual basis as described in Section 2.23 and 4.04 of the Request for Proposal. Should recycling service be extended to multi-family dwellings, the Contractor shall publish and distribute public education flyers to all multi-family dwellings as described in Section 5.06 of the Request for Proposal. The Contractor shall prepare and produce all notices, door hangers, and other program informational material as approved by the Authority, and shall be responsible for all costs of preparing and producing program information. Contractor shall distribute such materials as per Authority instructions. Contractor and the Authority agree the initial welcome packet marketing material will be distributed with the delivery of the recycling polycart.

VI. Performance Assurances.

A. Recordkeeping.

i. The Contractor shall keep the following records to be included in a monthly report provided to the Authority by the 5th day of each month:

1. Number of containers set out for collection each day for each route (participation rate),
2. Average weight of Recyclable Materials per container,
3. Total quantities of Recyclable Materials collected, by material type (in tons),
4. Net quantities of Recyclable Materials marketed, by material type (in tons),
5. Quantities of Process Residuals disposed (in tons),
6. Recycling service fee (based upon contracted price per household),
7. Log of all complaints, including the nature of the complaints; the names, addresses and contact numbers of the complainants; the date and time received; the Contractor's response; and the date and time of response, and
8. Log of all resident addresses where education tags were left because of Contaminated Materials set out for recycling.

ii. The Contractor shall keep the following records to be included in an annual report provided to the Authority by January 31st of the following year:

1. Total quantities of Recyclable Materials collected in Norman, by material type (in tons),
2. Net quantities of the Authority's Recyclable Materials marketed, by material type (in tons),
3. Quantities of Process Residuals disposed (in tons),

4. Disposal location of Process Residuals,
5. Materials composition analysis of the Authority's Recyclable Materials, and
6. Average participation rate and set-out rate and an explanation of how those rates were calculated.

In addition to the records above, the Contractor shall include any recommendations for improvements to the recycling program in its annual report.

B. Auditing. The Authority, at its sole discretion, may audit the records that Contractor is required to maintain pursuant to Section VI(A) of this Agreement (the "Records"). The right to audit the Records shall include the right of the Authority to examine and reproduce Contractor's records at the Authority's sole expenses. Authority may perform audits between 8AM, CST and 5PM, CST, excluding Saturdays and Sundays, during the Contract Term through two (2) years after the date final payment is made from the Authority to the Contractor. If the Authority elects to audit Contractor, Contractor shall provide the Authority access to the Records. Records shall include pertinent books, invoices, weight tickets, and all other documents and papers relating to this Agreement not otherwise excluded by this Section of the Agreement. Records shall not include financial statements, tax returns, payroll records, or any other proprietary information. Contractor shall provide adequate and appropriate work space at Contractor's facilities in Oklahoma City in order to conduct audits in compliance with the provisions of this Section. Authority shall give Contractor at least thirty (30) calendar days advance written notice of its intention to audit. Authority shall pay audit costs incurred by third party retained by the Authority. Authority shall not pay for any costs incurred by Contractor or third parties retained by Contractor. Contractor shall be solely responsible for audit costs incurred by Contractor and third parties retained by Contractor.

C. Inspection Rights. The Authority, in its sole discretion, may inspect Contractor's equipment and facilities used in connection with this Agreement. The Authority may perform inspection during collection as defined in Section II(D) of the Agreement during the Contract Term. If the Authority elects to inspect Contractor's equipment or facilities, Contractor shall provide the Authority access to any and all equipment and facilities relating to the Agreement. Equipment shall include vehicles and all other equipment relating to the Agreement. Facilities shall include the local customer office and all other facilities relating to the Agreement. Contractor shall provide adequate and appropriate work space at Contractor's facilities in order to conduct inspections in compliance with the provisions of this Section. The Authority shall give Contractor at least ten (10) calendar days advance written notice of intention to inspect

Contractor's equipment and/or facilities. Authority shall pay inspection costs incurred by third party retained by Authority. Authority shall not pay for any costs incurred by Contractor or third parties retained by Contractor. Contractor shall be solely responsible for inspection costs incurred by Contractor and third parties retained by Contractor.

D. Annual Review Meeting: The Contractor will meet with representatives of the Authority on an annual basis to review its performance under this Agreement and discuss any problems that may need to be addressed as well as any recommendations for improvement to the recycling program.

VII. Liability Assurances.

A. Insurance Coverage Requirements. Contractor shall maintain insurance issued by insurance companies acceptable to the Authority with the following minimum terms and limits during the entire term of the Agreement:

i. Workers Compensation – Statutory limits.
ii. Employer's Liability - $500,000
iii. Bodily Injury Liability except Automobile - $500,000 per occurrence, $1,000,000 aggregate
iv. Property Damage except Automobile - $500,000 per occurrence, $500,000 aggregate
v. Automobile Bodily Injury -$500,000 each occurrence
vi. Automobile Liability - $500,000 each occurrence

B. Performance Bond. Contractor shall maintain a performance bond in a minimum amount of $300,000 to be utilized should Contractor fail to perform the services outlined in this Agreement.

C. Indemnification. Contractor agrees to defend, indemnify and hold harmless the Authority, its officers and employees, from any liabilities, claims, damages, costs, judgments, and expenses, including reasonable attorney's fees, resulting directly or indirectly from any negligent act or omission of the Contractor, its employees, its agents, or employees of subcontractors, in the performance of the services provided by this Agreement or by reason of the Contractor to fully perform, in any respect, any of its obligations under this Agreement.

D. Force Majeure. Contractor shall not be liable for failure to perform Contractor's duties is such failure is caused by catastrophe, act of war, civil disturbance, act of God or similar contingency beyond the reasonable control of Contractor. Contractor shall take all such measure as may be necessary to resume services as quickly as possible. Contractor shall take

all measures as may be necessary to resume service as quickly as possible should such a failure occur and shall develop contingency plans for such events to ensure any disruption in service is limited.

E. Independent Contractor. Nothing contained in this Agreement is intended to, or shall be construed in any manner, as creating or establishing the relationship of employer/employee between the Parties or between the Authority and the MRF. The Contractor shall at all times remain an independent contractor with respect to the services to be performed under this Agreement. Any and all employees of Contractor or other persons engaged in the performance of any work or services required by Contractor under this Agreement shall be considered employees or sub-contractors of the Contractor only and not of the Authority; and any and all claims which may arise, including Worker's Compensation claims under the Workers Compensation Act of the State of Oklahoma or any other state, on behalf of said employees or other persons while so engaged in any of the work or services provided to be rendered herein, shall be the sole obligation and responsibility of Contractor.

F. Retention of Records. The Contractor shall retain all Records for a period of three (3) years after the resolution of all audit findings (if an audit is performed but otherwise in accordance with applicable law).

VIII. Contract Enforcement and Remedies.

A. Right to Withhold Payment. In addition to express provisions elsewhere contained in this Contract, the Authority may withhold from any payment otherwise due the Contractor for failure of Contractor to fulfill its obligations as follows:

i. Failure to respond to legitimate service complaints within 24 hours in a reasonable and professional manner - $50 per incident
ii. Failure to collect properly notified missed Collections - $250 per incident
iii. Failure to provide monthly and annual reports - $100 per incident
iv. Failure to complete the Collections within the specified timeframes without proper notice to the Authority - $100 per incident
v. Failure to clean up from spills during Collection operations - $250 per incident
vi. Failure to report on changes in location of Recyclable Materials processing operations - $250 per incident
vii. Failure to provide written description of the means to estimate relative amount of Process Residuals derived from the Authority's recyclables on the monthly reports - $100 per incident
viii. Making changes to the Collection and Processing systems prior to receiving Authority approval to implement any such change - $500

ix. Failure to conduct and report results of the annual composition analysis - $100 per incident.

B. Right to Terminate for Cause: Either party may terminate the Agreement if the other party fails to fulfill its obligations under the Agreement in a proper and timely manner, or otherwise violates the terms of the Agreement if the default has not been cured after sixty (60) days written notice has been provided. The Authority shall pay Contractor all compensation earned prior to the date of the termination minus any damages and costs incurred by the Authority as a result of the breach. If the Agreement is canceled or terminated, all finished or unfinished documents, data, studies, surveys, maps, models, photographs, reports or other materials prepared by the Contractor under this Agreement shall, at the option of the Authority, become the property of the Authority, and the Contractor shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents or materials prior to termination.

C. Dispute Resolutions. The parties agree that any controversy or claim arising out of or relating to the agreement or the breach thereof, shall be settled, at the option of the Authority by arbitration in accordance with the Rules of the American Association of Arbitration and judgment upon the award by the Arbitrator(s) may be entered in any court with jurisdiction thereof.

IX. Assignment and Subcontracting. Contractor shall not assign, subcontract, convey, or otherwise dispose of this Agreement or permits required for this Agreement without the written permission of the Authority, which consent shall not be unreasonably withheld. If Contractor assigns, subcontracts, conveys, or otherwise disposes of this Agreement or permits without the written permission of the Authority, Contractor shall remain liable to the Authority under this Agreement. If Authority provides Contractor written permission to subcontract, Contractor shall remain liable to Authority for full and complete satisfactory and acceptable performance of Recycling Services in accordance with this Agreement.

X. Compliance with Laws, Regulations, and Ordinances. Contractor shall comply at all times with all applicable local, State, and Federal laws, regulations, ordinances and similar requirements, including all applicable requirements concerning noise, odors, effluent and emissions, now and thereafter in effect.

XI. Miscellaneous Provisions.

A. Applicable Law. The laws of the State of Oklahoma shall govern all interpretations of this Agreement, and the appropriate venue and jurisdiction for any litigation which may arise hereunder will be in those

courts located within the County of Cleveland, State of Oklahoma, regardless of the place of business, residence, or incorporation of the Contractor.

B. Payments of Licenses, Permits and Taxes. Contractor shall be solely responsible for the payment of any licenses, permits and taxes required to provide Recycling Services under this Agreement.

C. Severability. If any provisions of this Agreement or the application thereof to any circumstances shall, to any extent, be invalid or unenforceable, then the remainder of this Agreement or the application of such provision, or portion thereof, and each provision of this Agreement, shall be valid and enforceable to the fullest extent permitted by law.

D. Notices and Demands. Any notice, demand, or other communication under this Agreement shall be sufficiently given or delivered when it is deposited in the United States mail, registered or certified mail, postage prepaid, return receipt requested, or delivered personally to:

Authority:	Norman Municipal Authority P.O. Box 370 Norman, OK 73070 Attn: Utilities Director With Copy to: Utilities Superintendent
Contractor:	Allied Waste Systems, Inc. 7540 SW 59th Street Oklahoma City, OK 73179

E. Modifications to Agreement. This Agreement cannot be changed orally, and no executor agreement shall be effective to waive, change, modify or discharge it in whole or in part unless such executory agreement is in writing and is signed by the parties against whom enforcement of any waiver, change, modification, or discharge is sought.

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IN WITNESS WHEREOF, this Agreement is entered into the ____ day of _____, 2013.

ALLIED WASTE SYSTEMS, INC.

By: _____

Name: _____

Title: _____

Attest: _____

(Corporate Seal)

NORMAN MUNICIPAL AUTHORITY

By: _____
Name: Cindy S. Rosenthal
Title: Chairperson

Attest: _____
Secretary

(Seal)

Approved as to form and legality this ____ day of _____, 2013.

_____
City Attorney

CITY COUNCIL STUDY SESSION MINUTES

February 5, 2013

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a study session at 5:39 p.m. in the Municipal Building Conference Room on the 5th day of February, 2013, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 24 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
ABSENT:	None

Item 1, being:

CONTINUED DISCUSSION REGARDING THE CURBSIDE RECYCLING PROGRAM AND EVALUATION OF REQUESTS FOR PROPOSALS RECEIVED ON JANUARY 10, 2013.

Mr. Ken Komiske, Director of Utilities, said the current curbside recycling contract expires in 2013 and Requests for Proposals (RFP) were issued on November 30, 2012. Bids were received from Republic, Waste Management, and the City of Norman Sanitation Division. Mr. Komiske said Republic, formerly known as Allied Waste, was the lowest bidder and operates the landfill the City of Norman utilizes for solid waste sanitation disposal.

A City Council Conference was held on January 22, 2013, and there was interest from some Councilmembers for the City to provide the recycling service; however, Councilmember Castleberry asked to see more detailed numbers on the City's proposal before making a decision. Mayor Rosenthal suggested Staff put together information to be reviewed at a Study Session or Conference.

Mr. Komiske said at the Conference there seemed to be consensus from Council for bi-weekly service (every other week) utilizing 95 gallon containers. He said bi-weekly service reduces traffic and noise in neighborhoods; reduces fuel consumption; provides larger containers (95 gallon polycarts) with wheels and lids; allows cardboard recycling; and does not require a rate increase. He said customers will have to adapt to non-weekly service, but it would not begin immediately because polycarts have to be purchased and distributed and trucks acquired.

Mr. Komiske highlighted the advantages of utilizing the lowest bid received from Republic and said Republic can provide the service cheaper than the City; has fixed prices for each year; is a nationwide company with years of experience; can begin service sooner than the City; would be responsible for vehicle replacement costs, fuel prices, and labor variables such as wages, health insurance, and workers' compensation; would be responsible for an agreement with the Material Recovery Facility (MRF); and if multi-family recycling is considered, the contractor would be responsible for the contamination rate. He said the City has a good customer service reputation and a vendor contract would need to be tightened for customer service accountability. He said the City will be required to monitor and administer the contract.

Councilmember Castleberry previously asked for additional information on the City's bid relative to health care costs, workers' compensation costs, etc., and Councilmember Kovach asked if Councilmember Castleberry had reviewed those figures. Councilmember Castleberry said he and Staff reviewed the bid and while the numbers were good, they did not factor in rising fuel costs and other uncontrolled costs, e.g., the Material Recovery Facility (MRF). Mayor Rosenthal was concerned about rising fuel costs and asked what assumption Staff used and Mr. Komiske said those costs were estimated by the Fleet Maintenance Division.

Councilmember Gallagher asked how many trucks the City would need to purchase to provide bi-weekly service and Mr. Komiske said three. Councilmember Castleberry said purchasing trucks would be a onetime cost and was factored into the City's bid. Councilmember Kovach asked the life span of the trucks and Mr. Komiske said seven to ten years, but the older the truck the more repairs are needed so Staff amortized costs for a five year vehicle. Councilmember Castleberry said recycling trucks can be used as sanitation trucks so at the end of five years, if the City decided not to continue the service, the City still has an asset that can be used. Councilmember Griffith asked if the trucks will be Compressed Natural Gas (CNG) and Mr. Komiske said the City's trucks would be, but the contractor is not required to use CNG trucks.

Councilmember Williams said there will be a lag time no matter who provides the service due to purchasing polycarts and single streaming recycle trucks, and distributing polycarts. He said Council previously discussed extending the Waste Management contract for the interim period and asked if Waste Management had been approached with that idea. Mr. Komiske said Waste Management said they would continue, but would not quote a price to the City at this time. Mr. Komiske said the price could fluctuate based on whether or not Waste Management gets the new contract. Councilmember Williams said the extension will be for ten to twelve months, which could increase the City's cost considerably. He said Republic or Waste Management could begin service in six months, but the City would need ten to twelve months.

Councilmember Griffith said if the City decides to provide the service and if Waste Management is willing to continue service until the City can purchase trucks, does the City really want to take this on. Mr. Komiske said there are pros and cons and Mr. Scottie Williams, Sanitation Division Superintendent, said the City can provide better service than either company, but there are risks in rising costs for wages, health insurance, fuel, etc. He said the single streaming MRF is new to Oklahoma City and Norman Staff is not sure if it will be successful or not. He said he would like to contract the service for another five years to see how the MRF does. Councilmember Kovach said there is potential for good and bad risk, but with an outside contractor the City knows it will not be saving money. He said City Staff puts in a great deal of time and effort dealing with customer complaints regarding recycling issues so the City needs to factor customer service into the equation. Councilmember Castleberry said he and Staff reviewed the complaint rate and it was not very high, approximately a tenth of a percent. Councilmember Gallagher asked if that is based on separate complaints or one person calling six times? He said he has never had a complaint from constituents regarding the recycling service. Mr. Scottie Williams said complaints are logged by address and if the recycling company does not respond, the City will.

Councilmember Lockett said changing service from weekly to bi-weekly will require educating the public to get them prepared for the change. Mr. Scottie Williams said he will work with the contractor on getting information to as many customers as possible. Mr. Mark Daniels, Utilities Engineer, said customers will be educated as polycarts are distributed.

Councilmember Griffith said if the City provides the service and after two years it looks to be cost prohibitive, would either contractor be willing to rebid and Mr. Komiske said yes. Councilmember Spaulding said in the event the City decided they could not continue to provide the service does the City need three trucks and Mr. Komiske said yes, the trucks could be rotated into the other fleet.

Councilmember Castleberry asked what additional terms could be added to the contract to address customer service issues and Mr. Steve Lewis, City Manager, said Staff has looked at best practices around the country and has found agreements that hinge on personal standards of personnel. He said there are also administrative fees or liquidated damages that can be placed in a contract to offset additional expenses the City may incur.

Mr. Komiske said another option is whether or not to offer curbside recycling of glass. He said glass is very recyclable, customers are used to recycling glass at the various recycling centers, and glass recycling removes it from the landfill; however, there are no cost savings to recycling glass, no nearby market for recycled glass, and broken glass is a hazard to workers and equipment. Councilmember Kovach said the City is spending more resources recycling glass than it is worth so until there is a nearby market, he would not want to offer glass recycling curbside. Mayor Rosenthal asked what difference it would make since all recycling materials are placed in the polycart then into

the truck and Councilmember Kovach said glass has to be transported from the MRF to the place it will be recycled, which could be out of state, and takes a lot of fuel. He said this would be a huge cost of resources if not a financial cost. Mr. Komiske said the City currently receives $4 per ton for recycled material so a 20 ton load of glass to Oklahoma City (OKC) and back averages $80, which does not cover the cost of the person driving the truck to Oklahoma City and back or the cost of fuel. Councilmember Williams asked what the negatives are to not recycling glass and Mr. Komiske said it goes into the landfill. He said if the City were to provide the service that included glass, the City would have to pay the MRF $75 a ton to accept the glass then pay another $30 a ton for MRF to get rid of the glass so the City would be paying over $100 a ton to deliver glass to the MRF, which is a strong negative. Mr. Lewis said some states require cities to recycle a certain percentage of their waste stream or have a percentage goal so if it were a requirement in Oklahoma glass recycling would go towards meeting that percentage, but Oklahoma does not have a requirement or goal.

Mayor Rosenthal said there are people who would prefer the City recycle glass and might perceive it as a reduction in service if glass recycling is taken off the table. She said curbside recycling of glass is more convenient than taking glass to recycling centers and there will be a number of unhappy customers if glass recycling is not offered curbside. She said it is not an easy choice and she understands the argument for both sides, but she would like to continue to offer glass recycling. Councilmember Kovach said his argument is not economic, but sustainability. He said the City offers recycling because of the environment, not the economics. He asked if glass recycling can be deferred until the Environmental Control Advisory Board (ECAB) or someone qualified can research data. Mayor Rosenthal said she did not want to delay the decision because there will already be a transition period and suggested keeping the option and asking ECAB to provide Council with additional data. She said the City can eliminate the option later, but she preferred not to defer a decision at this time. Councilmember Williams asked if the glass option changes whether the City or a contractor provides the service and Mr. Komiske said Waste Management did not care if glass was included and Republic will charge five cents less per household per month if glass is not an option. He said it would cost the City $105 per ton to deliver glass. Councilmember Gallagher asked how many tons of glass is collected per week and Mr. Komiske said he did not have that information on hand, but the contractor collects an average of 530 tons per year.

Mr. Komiske asked for Council direction on whether the City or the contractor should provide polycarts. He said if the City purchases the polycarts they would save money because polycarts can last about ten years, but the contractor gives them a life span of five years because that is the timeframe of their contract. He said the City could put their logo, address, contact number, website, ect., on each polycart. He said 30,000 polycarts would cost $1.5 million and take several weeks to distribute. Mr. Komiske said the City currently replaces lost or damaged recycling tubs even though Waste Management "owns" the tubs. Mr. Komiske said if Republic is awarded the bid and the City provides the polycarts, Republic will reduce their price by seventy cents per customer per month and Waste Management's cost would be reduced by $1.13 per customer per month.

Councilmember Gallagher asked the percentage of sanitation polycarts replaced year and Mr. Komiske said approximately 100 per month. Councilmember Spaulding asked if the City repairs polycarts, throws them away, or sells them at auction and Mr. Komiske said they are repaired, cleaned, and re-used or recycled when no longer respairable.

Councilmember Spaulding asked if there is an economy of scale to buying 30,000 polycarts or 1,200 per year to replace damaged polycarts and Mr. Komiske said yes, it will be cheaper to buy 30,000. The price per polycart lessens with larger orders.

Councilmember Williams asked if the City could include language in the contract that penalties will be assessed if polycarts are not replaced in a timely manner and Mr. Lewis said yes. Mr. Komiske said the City could definitely tighten the contract language. Councilmember Kovach asked when the City would know if a contractor will agree to that language.

After further discussion, Mayor Rosenthal said there seems to be consensus on the City purchasing the polycarts.

Mayor Rosenthal said both contractors are willing to provide multi-family service. Mr. Komiske said many customers that live in apartments have expressed an interest to recycle and it is not cost prohibitive, but there are customers that do not want to recycle. He said, currently, multi-family customers do not pay for recycling so rates for all multi-family customers will increase whether they recycle or not. He said some apartment complexes may not have the available space for recycling dumpsters and past experience has shown that contamination rates are high due to people dumping household trash, furniture, etc., into the recycling containers. He said when this happens the material is taken to the landfill. Mayor Rosenthal said the City established single family household recycling rates through an election and asked if applying that rate or a different rate to multi-family customers would require another election and Ms. Kathryn Walker, Assistant City Attorney, said the original proposition language reads "urban residential areas." She said the residential zoning definition includes multi-family areas so the service could be provided using the current rate.

Councilmember Kovach said there are many complexes that do not have room for dumpsters. He said he is all for multi-family recycling and believed the way to achieve that is to start changing zoning regulations to require a recycling station at new facilities. He said there is a tremendous unfairness to the idea of all apartments paying for a service they do not have the ability to have access to. He said with curbside recycling the customers have the choice to do it or not. He said some complexes pass on utility payments to their renters, but others do not have that in their contract or may only have one utility such as water included. He said this places the operating cost difference on the operator until they can renegotiate their leases. He suggested Council look at adjusting the zoning requirements for new properties before going down this road. Councilmember Williams said if the City adjusted the zoning code requiring new development to provide a space for recycling containers that would be requiring new people to add recycling who would possibly never use it and he did not understand that direction. Councilmember Kovach said trends are going toward multi-family recycling and the City should start at some point and hope other complexes retrofit. Mayor Rosenthal said a logical alternative would be for an opt in or opt out arrangement based on available space.

Councilmember Castleberry asked Ms. Walker if the City can make every complex recycle and Ms. Walker said it could be based on some evidence that there is no physical, possible way for the complex to recycle, but she would do more research. Councilmember Castleberry said most complexes get sanitation service so trucks get in and dump those dumpsters so all the City is talking about is the same size truck getting into that complex. Councilmember Gallagher said parking space is the issue and some complexes do not have space available for a dumpster and there have been cases where sanitation trucks have struck parked cars because it is difficult to maneuver. He felt there would be a lot more problems with trucks going into some of those complexes. Councilmember Lockett said the City could work with new developers on adding space for recycling and give existing owners an option to have recycling. She said it is not fair to tell apartment complex owners they have to give up parking spaces for a dumpster. Councilmember Castleberry asked if apartment complexes want recycling or is this something the City wants and Mr. Komiske said the City only hears from the ones that do not have it and want it. Mr. Komiske said multi-family requires a different type of vehicle, a commercial truck, and the City could go forward with the contract and discuss the multi-family piece after feedback from apartment owners. Councilmembers agreed it would be better to defer multi-family recycling for further discussion.

Mayor Rosenthal asked whether the City should provide the service or a contractor and Councilmembers Castleberry, Williams, Spaulding, Griffith, Lockett, and Mayor Rosenthal supported a contract with Republic. Councilmembers Kovach, Jungman and Gallagher supported the City.

Councilmember Kovach asked the dollar difference between the City's bid and Republic's and Mr. Komiske said $60,000. Councilmember Kovach said the City services customers who have been skipped or has other problems with the service and although the customer is happy, they did not get the service from the contractor they were promised. He said those concerned about risk management should understand the same risks are budgeted every year in the City's budget and he is comfortable with the ability of Fleet Maintenance to predict the average cost of fuel and vehicles over five year period. He felt there could be cost savings to the Enterprise Fund if the City provides the service since the contractor is doing this for a profit.

Councilmember Gallagher asked if there is a preponderance of complaints regarding the current recycling service versus sanitation complaints and Mr. Williams said there are more recycling complaints than sanitation complaints.

Councilmember Castleberry said if the City buys the polycarts they will use a ten year amortization schedule whereas the contractor will use a five year amortization schedule, which will be a big cost difference. He said if you take polycarts out of the ratio you are not talking about $60,000, you are talking about half a million dollars. He said if the City provides the service there will be savings, but costs are calculated over a five year period. Mr. Komiske said Republic guarantees a 3% increase per year so the City knows the cost every year and Waste Management's increases are based on the Consumer Price Index (CPI), which could be more or less than 3% and the City assumed 3% per year in its bid. Councilmember Kovach felt the City's estimates are very conservative and actual costs after five years will be less than Republic's and that is what the Enterprise Fund is paying out in expenditures. Councilmember Kovach asked the percentage difference between Republic and the City and Mr. Anthony Francisco, Director of Finance, said less than 2% without polycarts.

Councilmember Jungman asked if Republic is providing service to any other city in Oklahoma and Mr. Komiske said a few smaller communities like Piedmont, but Norman would be their largest customer in Oklahoma. Councilmember Jungman asked about Republic's track record and Mr. Komiske said Staff researched communities similar in size to Norman that Republic services and they were happy with Republic's service. Councilmember Jungman felt the contractor's numbers were low and the City needed to add in the customer service the City will do for them. Councilmember Kovach said he would like the contract language tightened up to protect the City.

Ms. Joy Hampton, The Norman Transcript, clarified Council direction as contract with Republic, bi-weekly service, include cardboard, include glass for now, defer multi-family for further discussion, and the City will purchase the polycarts. Mayor Rosenthal said that was the consensus and Staff will also negotiate a contract with these provisions.

Items submitted for the record

1. Memorandum dated January 30, 2013, from Kenneth Komiske, Director of Utilities, to Steve Lewis, City Manager, with Option 1: Dual Stream Curbside Weekly Collection in 95-Gallon Bins from Single Family Dwellings (Current Service); Option 2: Single-Stream Curbside Weekly Collection in 18-Gallon Bins from Single Family Dwellings (Modified Service); and Option 3: Add Single Stream Curbside from Recycling Stations at 150 Multi-Family Apartment Complexes (New Service)
2. Memorandum dated January 17, 2013, from Kenneth Komiske, Director of Utilities, to Steve Lewis, City Manager, with Attachment A, Collection Options; Attachment B, Proposal Requirements; and Attachment C, Material Recovery Shared Revenues
3. City Council Conference minutes of January 22, 2013
4. PowerPoint presentation entitled, "City of Norman Curbside Recycling Service," dated January 2013

Participants in discussion

1. Mr. Ken Komiske, Director of Utilities
2. Mr. Scottie Williams, Sanitation Division Superintendent
3. Mr. Mark Daniels, Utilities Engineer
4. Ms. Kathryn Walker, Assistant City Attorney
5. Mr. Anthony Francisco, Director of Public Works
6. Ms. Joy Hampton, The Norman Transcript,

The meeting adjourned at 7:10 p.m.

ATTEST:

City Clerk

Mayor

Item 2, continued:

high and they do not have water available, they will not sell to Norman. Councilmember Kovach said based on the fact that OKC will not sell Norman water from the Atoka pipeline, Council can assume OKC may not have the 2% available and that is something Council should discuss and plan for.

Councilmember Kovach asked if Midwest City is interested in selling their unused allocated water to Norman and Mr. Steve Lewis, City Manager, said Del City has been the primary City willing to sell their water.

Councilmember Castleberry asked if the City has anywhere to store water other than Lake Thunderbird and Mr. Komiske said no. Mayor Rosenthal said part of the Strategic Water Supply Plan update includes looking at alternative storage.

Mayor Rosenthal said she is pleased a contract has been negotiated and wants to place the item on an agenda as soon as possible.

Items submitted for the record

1. Memorandum dated February 14, 2013, from Kathryn L. Walker, Assistant City Attorney, through Jeff H. Bryant, City Attorney, to Honorable Mayor and Councilmembers
2. Letter dated February 8, 2013, from Randy Worden, General Manager, Central Oklahoma Master Conservancy District, to Steven D. Lewis, City Manager
3. Agreement for Purchase of Surplus Municipal Water

Participants in discussion

1. Mr. Ken Komiske, Director of Utilities
2. Ms. Kathryn Walker, Assistant City Attorney

Item 3, being:

FOLLOW-UP DISCUSSION REGARDING THE CURBSIDE RECYCLING PROGRAM.

Mr. Bryant said at the February 5, 2013, Study Session regarding recycling, Councilmember Kovach expressed concern that a change in service from weekly to bi-weekly would require an election since voters approved weekly curbside recycling. He said the ballot language used to approve the curbside recycling measure imposed a mandatory $3.00 assessment to all residential customers and after reviewing that language and constitutional provisions for the State of Oklahoma, it is Staff's legal opinion that changing the frequency of collection does not require voter approval. He said a Charter provision allows voters to weigh in on a change in rates, but the rates will not change, only the frequency of collection. Mayor Rosenthal asked Mr. Bryant to elaborate on the legal opinion for the public in attendance because he cited a number of prior instances where there was a change of service without an election and the opinion draws a clear distinction between voters' approval of a tax versus an Enterprise Fund.

Mr. Bryant said the provision most often quoted regarding an initiative, referendum, or ballot language requiring usage in accordance to language in the ballot is the section of the Constitution that deals with imposition of a tax. That section clearly states that any tax imposed will be used only for the purposes for which it is imposed and although that section is quoted most often for imposition of a tax it does not apply to this situation. He said this situation is imposition of a rate. The Constitution also states that municipalities are given the right to operate and administer utilities so there is more latitude for a municipality to operate a public utility as a business. He said under the Oklahoma Constitution, public utilities are normally allowed to set their rates without voter approval; however, Norman changed the Charter in 1975 and has to get voter approval for a utility rate increase. He said that makes it a little more challenging to operate a utility in Norman so while Norman cannot adjust the rate, they

Item 3, continued:

can adjust the operation of the utility. Mr. Bryant highlighted examples of changes to utility operations in Norman over the years that was done by resolution or ordinance and a vote of the citizens was not used. He said if you tie up the ability to raise rates and tie up the ability to operate the utility, it puts a public utility in an impossible situation to manage that utility.

Councilmember Kovach asked what date notification would have to be made to the Cleveland County Election Board for a May election and Ms. Hall said Council would have to have a First Reading ordinance by February 26, 2013, with Second Reading on March 12, 2013, in order to meet the sixty day notification requirement for a May 14, 2013, election.

Councilmember Kovach asked if the Sanitation Division charges by volume or frequency and Mr. Komiske said on the commercial side, it is based on how many times the dumpster is serviced. Councilmember Kovach said rate is a ratio and will be determined by either the volume or frequency in regards to solid waste. He said the City does not charge by volume, which he supports, but by frequency and if you change the frequency you are, by definition, changing the rate. He said the Oklahoma Corporation Commission sets rates with a formula and part of the formula for allowing rate changes is the operating expense of the utility so the frequency of service, if part of the operating expense goes to setting the rate. He said while discussing whether or not to pick up glass, the Mayor said not picking up glass would be a change in service that would affect the rate. He said Quinn vs. The City of Tulsa talks about a specific cost for a specific purpose and when you specify weekly curbside service that is pretty specific. He said Norman's Charter states that an increase in utility rates within the control of the City of Norman shall be submitted for the legal vote of the City. He said changing from a bin to a polycart is an administrative change, but if you read the ballot language and asked citizens what the language means, they would say it means weekly curbside service. He said he does not want the City to get into a situation like Quinn vs. City of Tulsa.

Councilmember Griffith said he would not support taking the issue to voters because the City is doubling what users can recycle and the cost is not going up even if frequency is changing. He said if 95% of citizens were participating in curbside recycling there might be an issue, but when 20% or 30% participate he does not see the need to take it to a vote of the people. He said the City is also adding cardboard to the list of material that can be recycled so service is increasing for the same rate; therefore, the customer is getting a greater value for their money.

Councilmember Gallagher said a vast majority of the City pays the $3.00 without participating so there is quite a bit of money the City receives without putting out the effort. He said when yard waste pick-up was cut to once a month instead of weekly during the winter season, services were reduced and money was saved so he understands Councilmember Kovach's reasoning. He said going to the voters would be the safe thing to do instead of just changing the service.

Mayor Rosenthal said the City is being more efficient by providing a 95 gallon container and elections do not proceed without cost. She asked what the goal is if the City is not changing the rate and would make a strong case that the City is improving the service.

Councilmember Williams said he interprets Councilmember Kovach's statements as saying he wants to make sure the City is protected against liability such as in the Quinn vs. City of Tulsa case. He said Councilmember Kovach is looking at the situation from a different perspective and to look at it through a one eyed glass is not the correct way to do it. Mayor Rosenthal asked Mr. Bryant if there is any vulnerability based on the Tulsa versus Quinn case and Mr. Bryant said Quinn versus Tulsa, Case No. 777P.2D1331, is a case challenging language on a bond election in the City of Tulsa so it does not apply to Norman's situation. He is comfortable with moving forward without an election.

Item 3, continued:

Councilmember Lockett said Council has to make some hard decisions and cannot send every decision to a vote of the people.

Councilmember Castleberry said careful thought is put into ballot language and asked the thought process behind using the word "required" in the language and Ms. Walker said, at that time, there were people asking if they had to participate if they paid the rate. She said the City could not meet the rate quoted from Waste Management without charging the fee to everyone whether they participated or not. Councilmember Castleberry said he was concerned that the word "required" is directly in front of the word "weekly" because it shows intent to provide service weekly, but he is not sure the City is bound by it, he just wants to understand it. Mr. Bryant said the question was whether the rate would be required or optional so it was decided participation would be optional, but paying the rate would be required and that is what the ballot language intended to capture although it may not have been well drafted. Mayor Rosenthal said the rate was based on a revenue stream that was going to be predictable and that meant it had to be required. Councilmember Kovach said a required rate for weekly curbside service would have made the language more clear. He said his point is that Council has good intentions to do the best they can with the program in front of them and the easiest thing to do is make the decision unilaterally and move on, but there are a lot of people who take ballot language very seriously whether Council can legally explain themselves or not. He asked Councilmembers to think about that as Council is looking forward to hundreds of millions of dollars in future spending on wastewater and water rate increases will be needed to fund projects. He said Norman has a history of citizens turning down proposals because they do not trust the City and this is an opportunity to go to the people on the same day there is another proposal to vote on so there is no extra cost. Mayor Rosenthal said there could be a cost to the City as there is no guarantee of an election in May and could cost $28,000 to $30,000 for a citywide election. He asked if Council is afraid to go to the public and ask them to just call it curbside service. He said the worst that could happen is the City will be forced to provide weekly service. He was surprised there was no bid on weekly service because many citizens have told him bi-weekly service will be confusing.

Councilmember Griffith said he finds it hard to believe people will be up in arms about recycling twice a month when they can use a larger container with a lid and wheels making it easier to get to the curb with less chance of materials being blown into the yard plus having cardboard recycling convenience. Councilmember Kovach said citizens will not be up in arms about the service, they will be up in arms about not being asked to change the language because when the City cut back on winter yard waste removal he received numerous complaints. Councilmember Griffith said it will be tough to justify spending $28,000 for a single item on a ballot if an election is called and there is no run-off especially when the City is just changing weekly service to bi-weekly service and giving the customers extra benefits.

Councilmember Castleberry said he campaigned over the weekend and recycling was talked about at almost every house. He asked people about the bi-weekly proposal and a majority of complaints were about when the service would be provided and keeping track of sanitation days, yard waste days, recycling days, watering days, etc. He did not get a lot of complaints about service being cut in half for the same price. He said most people want more people to recycle and believe anything the City can do to increase recycling is good. Mayor Rosenthal said it will be a challenge to communicate information on the service and she is more concerned about letting people know so they can plan for it.

Councilmember Gallagher did not think it was a matter of money or frequency, but a matter of the public perceiving what Council does and when Council changes things without the public knowing that perception changes. He said with as many things that are coming down the pike for major expenditures Council does not want to get on the wrong side of the public. He said Council wants to show the public an open, transparent government. Mayor Rosenthal asked if a new election would pre-empt the prior election and could the worse possible case be no recycling service. Mr. Bryant said it would depend on how the ballot language is drafted.

Item 3, continued:

Councilmember Kovach said the City has precedence in changing ballot language because they had to go back and change the definition of a previous ballot word in the sewer sales tax so the City could use the money not only on the sewer collection system, but on the wastewater treatment facilities and it did not change the underlying tax authority. He said this is an opportunity to educate the public about recycling and respect the voters.

Councilmember Castleberry asked if Council is going to have people vote on everything they have to do because, if that is the case, there is no point in having a Council and Councilmembers Griffith and Lockett agreed. He said if this were a major policy change, affected the citizens pocketbook, or was a controversial issue it would be different, but going from weekly to bi-weekly service with the same rate does not require an election. He said it is unfortunate the way the ballot language was written because it is confusing, but he is not convinced this is voter worthy. He said most people will wonder why they even elect representatives if they have to vote on something they will probably think is trivial. He said it is Council's responsibility to meet with constituents to keep them aware of what is going on in the City.

Councilmember Kovach said it is an untrue characterization to continually go back to the idea that he is advocating for voting on everything in public because he is not. He said this is ballot language and it is not that Council does not want to make that call, but that Council does not have the right to make that call without asking permission. Would it have been better if the language was written a different way? Sure it would and Council would not be having this discussion but the point is the language is there and sometimes in life you deal with it and follow the rules whether you like it or not and there are consequences if you do not.

Mr. Bryant said whether there was an election or not there would need to be an ordinance change because the word "weekly" is in the current ordinance.

Ms. Hampton said if Council decides to put the change to a vote of the people, would they also allow an option to pay more if service is continued weekly? Councilmember Kovach said if there is a vote than that makes sense because there are some people who would pay extra money to have that option. Mayor Rosenthal said there are also people who are not using the service that would strenuously object to paying more.

Mayor Rosenthal said Councilmember Jungman asked her to convey that he would not support an election.

Mayor Rosenthal asked Mr. Komiske what delays there would be for a new contractor in getting the bi-weekly recycling service started if there is an election and Mr. Komiske said both contractors have a lag time of four to six months so that would be pushed further out. Mayor Rosenthal asked if there has been discussion with Waste Management about continuing the service during the interim period in terms of cost and Mr. Komiske said Waste Management said they would be willing to extend service for at least one month and review the rates after that, which will probably increase. He did not believe Waste Management would walk away from providing service during the interim period. Ms. Walker said over the last five years the contract has provided a 10% rate increase every year so the City can expect at the least a 10% increase. Councilmember Castleberry said that places the City in the red and Mr. Komiske agreed. Mayor Rosenthal said the City would need to factor in the cost of an election as well.

Mr. Lewis said Republic stated that once the contract is executed they could begin service within four months and Mr. Komiske said the City is planning to purchase polycarts, but that would not happen until a contract is signed.

Councilmember Williams asked the monthly rate bid by Republic if they provided polycarts and Mr. Komiske said the rate was $2.50 and Republic would reduce the rate by seventy cents if the City purchased the polycarts.

Item 3, continued:

Items submitted for the record

1. Memorandum dated February 15, 2013, from Kathryn L. Walker, Assistant City Attorney, through Jeff H. Bryant, City Attorney, to Honorable Mayor and Councilmembers
2. PowerPoint presentation entitled, "Agreement for Purchase of Water," City Council Study Session, February 19, 2013

Participants in discussion

1. Mr. Jeff Bryant, City Attorney
2. Ms. Kathryn Walker, Assistant City Attorney

The meeting adjourned at 6:47 p.m.

ATTEST:

City Clerk

Mayor